





*Samuel Biggs*  
**LAWS**

OF THE

**STATE OF INDIANA,**

PASSED AND PUBLISHED AT THE THIRTEENTH SESSION

OF THE

**GENERAL ASSEMBLY,**

HELD AT INDIANAPOLIS,

ON THE FIRST MONDAY IN DECEMBER, ONE THOUSAND EIGHT

HUNDRED AND TWENTY-EIGHT.

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**BY AUTHORITY.**

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INDIANAPOLIS:

SMITH AND BOLTON, STATE PRINTERS.

.....

1829.



**LAWS**  
OF THE  
**STATE OF INDIANA.**

**CHAPTER I.**

An act making General Appropriations for the year 1829.

[APPROVED, JANUARY 22, 1829.]

*Be it enacted by the General Assembly of the state of Indiana,* That there be appropriated for defraying the expenses of the present general assembly, including the pay of the members, secretaries, clerks, sergeant at arms, door keepers, stationary, fuel, printing, binding and distributing the laws and journals, and making marginal notes and index to the laws, together with all other expenses incident to the present session, the sum of fourteen thousand five hundred dollars.

Appropriation  
for the legisla-  
tive depart-  
ment.

For the executive department, the sum of two thousand two hundred dollars.

Executive.

For the judiciary department, the sum of five thousand seven hundred dollars.

Judiciary.

For the penitentiary, in transporting convicts, the sum of five hundred dollars.

Penitentiary.

For prosecuting attornies, the sum of eight hundred dollars.

Prosecuting  
attornies.

For the agent at Indianapolis, two hundred dollars.

Agency.

For military expenses, one hundred and fifty dollars.

Military.

For defraying contingent expenses for the year one thousand eight hundred and twenty-nine, eight hundred dollars.

Contingent  
expenses.

For the payment of specific allowances, including the expenses of surveying and marking the road from Lake Michigan to Indianapolis, the sum of three thousand five hundred dollars.

Specific ap-  
propriations.

For the payment of wolf scalps five hundred dollars.

Wolf scalps.

This act to take effect, and be in force from and after its passage.



## CHAPTER II.

An act making Specific Appropriations for the year 1829.

[APPROVED, JANUARY 24, 1829.]

*Be it enacted by the General Assembly of the state of Indiana,* That the principal and assistant secretaries of the senate, and the principal and assistant clerks of the house of representatives, shall severally be allowed the sum of three dollars and fifty cents per day; and the enrolling secretary of the senate and the enrolling clerk of the house of representatives, the sum of three dollars and fifty cents each per day, for each and every day they may have served as such during the present session: the door keeper of the senate, and the door keeper of the house of representatives, two dollars and twenty-five cents, for each and every day they may have served as such during the present session.

Howk. That Isaac Howk be allowed six dollars and fifty cents for postage paid by him on communications directed to the Speaker of the house of representatives.

Patterson. That Robert Patterson be allowed the sum of seven dollars, for repairs done by him on the court house.

Merrill. That Samuel Merrill be allowed the sum of fifteen dollars, for expenses in going to Cincinnati to purchase stationery for the use of the General Assembly.

Phipps & Co. That Isaac N. Phipps and Co. be allowed the sum of fourteen dollars and ninety-three and three-fourth cents, for sundry articles of stationery, furnished for the use of the General Assembly.

McCarty. That Nicholas McCarty be allowed the sum of twenty-eight dollars and ninety-three and three-fourth cents, for sundry articles furnished for the use of the general assembly and court house.

Luse. That Fleming T. Luse be allowed the sum of ten dollars and fifty cents, for table and sundry articles of cabinet work done for the use of the general assembly.

M'Donald. That William S. M'Donald be allowed the sum of one hundred and twenty dollars, for money expended, and securing William H. Rothwell the supposed murderer of William Pitman.

N. & G. Guilford. That N. and G. Guilford of Cincinnati, Ohio, be allowed the sum of one hundred and thirty dollars, for money advanced the before mentioned William S. M'Donald while in pursuit of the said Pitman.

Blythe. That Benjamin I. Blythe be allowed the sum of one hundred dollars for extra services rendered as late Agent of the town of Indianapolis, in arranging the books of said agency, to be paid out of the funds arising from the sale of lots in the town of Indianapolis.

Governor. That his Excellency the Governor, be allowed the sum

of four hundred dollars, for house rent for two years, commencing on the 6th day of December 1827, and ending on the 6th day of December, 1829; one half thereof payable when demanded, and the other half payable quarterly during the year 1829.

That Samuel Merrill be allowed the sum of sixty dollars, Merrill by him received as Treasurer of State within the last three years which have proven to be counterfeit.

That Andrew Sloan be allowed the sum of four dollars Sloan. and eighty-eight cents, for glazing done to the windows of the court house.

That John C. Parker be allowed the sum of one dollar, Parker paid by him for brooms, drayage, &c.

That Calvin Goudy be allowed the sum of two dollars, Goudy. for preparing the representatives' hall for the reception of the members of the house of representatives at the commencement of the session of 1828—29.

That James A. Piatt be allowed the sum of four dollars, Piatt. for two dozen candlesticks for the use of the general assembly.

That Conner and Harrison be allowed the sum of two Conner and dollars and thirty-one and one-fourth cents, for shovel and Harrison. tongs and ink-stands for the use of the general assembly.

That Jacob Bowers be allowed the sum of two dollars Bowers. and sixty-eight and three-fourth cents, for repairs done the court house during the present session.

That Samuel S. Rooker be allowed the sum of nineteen Rooker. dollars, for one and a half dozen Windsor chairs for the use of the general assembly.

That Calvin Goudy be allowed the sum of three dollars Goudy. and fifty cents, for stove furnished for speaker's seat.

That James Vanblaricum be allowed the sum of two dol- Vanblaricum. lars and fifty cents, for one axe for the use of the state.

That Yandes and Porter be allowed the sum of seven Yandes and dollars and twenty five cents, for sundry articles furnished Porter. for the use of the state.

That John H. Hicks collector of Scott county for 1824, Hicks. be allowed the sum of sixty-nine dollars and sixty cents, the amount due Reuben W. Nelson from the state for collecting eleven hundred and sixty dollars from delinquents.

That Hiram Westfall of Gibson county, be allowed the Westfall & sum of thirty dollars, and Pat. Shields of Floyd county, the Shields. sum of fifty dollars, monies paid by them to the state of Indiana, on a judgment obtained against Dennis Penington and others, which judgment was afterwards reversed in the supreme court of Indiana.

That Fleming T. Luse be allowed the sum of fifteen Luse. dollars, for a desk and book case for the treasurer's office.

That Thomas Coffin agent of the French Lick salt Coffin. spring in Orange county, be allowed the sum of eight dol-



lars, money expended by him, over and above the amount appropriated for the purpose of purchasing a cistern, tubes, &c. at the French Lick salt spring, according to an act approved, January 14, 1828.

Sec. of state. That the secretary of state be authorized to draw from the treasury, the sum of twenty dollars, to be expended by him in repairs to be done in the secretary's office.

Caldwell. That James C. Caldwell be allowed the sum of eleven dollars and fifty-three cents, the amount over paid by him as Collector of the revenue of Clark county for the year 1828.

Faught. That William Faught collector of Hendricks county for the year 1827, be allowed the sum of eight dollars and twenty-five cents, the amount of delinquences for said year, for which he has received no allowance.

Heeth. That Henry W. Heeth clerk of the Harrison circuit court, be allowed the sum of twenty-eight dollars and ninety-eight cents, the amount of fee-bill in two cases of Thomas Posey Governor of Indiana, against John Hurst collector of Harrison county and his securities.

Davis. That John W. Davis sergeant at arms be allowed two dollars and fifty cents per diem, for his services at the present session of the general assembly.

New. That William New be allowed the sum of two dollars for drawing a plan of out houses and fence to be erected on the Governor's Circle, and bills of prices for the completion of the same, to be paid out of the Indianapolis fund.

Lane. That Daniel C. Lane late treasurer of state, be allowed fifty dollars, it being for a mistake to that amount made by him against himself, transferring a balance on the books of his office in November, 1821, with interest thereon to this date, making a sum total of seventy-one dollars.

Transportation of public arms. That the sum of one hundred dollars be appropriated to defray the expenses which have or may accrue in the transportation of public arms, from points on the Ohio river when deposited by the authority of the United States for the militia of this state, and that said sum be paid agreeably to the order of the executive—or so much thereof as may be necessary.

Sharpe. That E. Sharpe agent of state for the town of Indianapolis, be allowed the sum of twenty-six dollars and fifty cents, for materials by him furnished for enclosing the Governor's circle and other monies by him paid for the state of Indiana, for all of which he has furnished vouchers, to be paid out of the Indianapolis fund.

Brandon. That Jesse Brandon be allowed the sum of fifteen dollars and fifty cents, for publishing in a newspaper edited by him, the sales of lots in the town of Indianapolis in 1824, and other publications made by him in 1828, for the state of Indiana.

That R. Terrell be allowed the sum of two dollars, for Terrell. painting and varnishing by him done to the seat of the President of the senate at the present session of the general assembly.

That James A. Piatt be allowed the sum of five dollars Piatt. twenty-five cents, for one sheet-iron stove for the use of the president of the senate.

That William Thornton be allowed the sum of eleven Thornton. dollars and fifty cents, for one half dozen chairs and for repairs done to the senate chamber at the present session of the general assembly.

That F. T. Luse be allowed the sum of four dollars Luse. sixty-two and one half cents, for articles furnished the senate at the present session of the general assembly.

That Abraham M'Cord be allowed the sum of thirty M'Cord. dollars, for work by him done to the seat of the president of the senate.

That E. Sharpe be allowed the sum of sixteen dollars, Sharpe. office rent as agent of state for the town of Indianapolis, from the commencement of his agency to the first of December 1828—payable out of the Indianapolis fund.

That Robert Ray be allowed the sum of thirty dollars, Ray. for a trip to the state of Ohio, authorized by the Governor of this state, in the pursuit of David Carey a fugitive from justice.

That James Edgar be allowed one dollar, for three Edgar. locks and one bolt furnished the office of the auditor.

That Robert Patterson be allowed the sum of forty- Patterson. eight dollars for graduating of the Governor's circle and other work done thereon, payable out of the Indianapolis fund.

That Samuel J. Patterson and Robert Patterson, be S. J. and R. Patterson. allowed the sum of seventeen dollars twenty-two and one half cents, for extra work by them done to the clerk's office of the supreme court, payable out of the Indianapolis fund.

That Jesse Wright sheriff of Monroe county, be allowed Wright. the sum of seventy-three dollars, for capturing Nathan Baker, a fugitive from justice, authorized by the Governor of Indiana.

That Robert Patterson be allowed for furnishing fuel Patterson. during the present session of the general assembly, fifty-five days, at ninety-nine cents per day, fifty-four dollars and forty-five cents, agreeably to his written contract on that subject.

That John M. Wilson former sheriff of Fayette county, Wilson. be allowed the sum of ninety-four dollars and fifty-five cents, the amount of a delinquent list for the year 1822, for which the said Wilson has had no credit.

That James Rariden be allowed the sum of twenty-five Rariden.



dollars, to be paid out of the monies in the treasury, collected of those conscientiously scrupulous of bearing arms in this state, for his services and expenses in prosecuting an appeal from the Wayne circuit court in the supreme court of this state, against the sheriff of Wayne County and his securities, in the year 1828.

Terrell.

That R. Terrell be allowed the sum of ten dollars, for amending, cleaning and repairing the bust of La Fayette.

## CHAPTER III.

An act making appropriations for the payment of the Commissioners and other persons employed in surveying and marking a road from Lake Michigan to Indianapolis.

[APPROVED, JANUARY 14, 1829.]

Neely.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John I. Neely of the county of Gibson, be allowed the sum of two hundred and twenty dollars and fifty cents, for one hundred and twenty six days services as commissioner in surveying and marking a road from Lake Michigan to Indianapolis.

Elliott.

SEC. 2. That Chester Elliott of the county of Warrick, be allowed the sum of two hundred and fifty five dollars and fifty cents, for one hundred and forty-six days services as commissioner in surveying and marking said road.

McDonald  
Jno.

SEC. 3. That Jno. McDonald of the county of Daviess, be allowed the sum of two hundred and thirteen dollars and fifty cents, for one hundred and twenty-two days services as commissioner in surveying and marking said road.

Neely.

SEC. 4. That John I. Neely be allowed the sum of one hundred and sixteen dollars and ninety-eight cents, for money expended by him at different times while on said road.

McDonald  
Jno.  
Elliott.

SEC. 5. That John McDonald be allowed the sum of thirty-nine dollars and fifty-five cents, and Chester Elliott the sum of seventy nine dollars and eleven cents, for money expended by them at different times while on said road.

Graham.

SEC. 6. That John K. Graham of Floyd county, be allowed the sum of forty-four dollars, for twenty two days services as surveyor on said road, and that John G. McDonald of Daviess county be allowed the sum of one hundred and fifty-six dollars, for seventy-eight days services as surveyor on the same.

Lovejoy,  
Fuquay,  
Morgan and  
Montgomery.

SEC. 7. That Zebina Lovejoy and Aaron Fuquay of Warrick county, Josiah Morgan of Daviess county, and Thomas Montgomery of Gibson county, be and each allowed the sum of forty-four dollars and twenty-five cents, for fifty-nine days services as hands employed on said road.

SEC. 8. That Hyacinthe Lasselle, Lambert Bono and John McClure of Knox county, and William Route of Daviess county, be each allowed the sum of twenty-nine dollars and twenty-five cents, for thirty-nine days services as hands employed on said road.

SEC. 9. That E. B. Reynolds of Gibson county, be allowed the sum of seventy-three dollars and fifty cents, for ninety-eight days services as a hand employed upon said road.

SEC. 10. That Thomas White of Pike county, be allowed the sum of forty-seven dollars and twenty-five cents, for sixty three days services as a hand on said road.

SEC. 11. That John Emison of Knox county, be allowed the sum of seventy-three dollars and fifty cents, for ninety-eight days services as a hand employed upon said road.

SEC. 12. That John G. McDonald of Daviess county, be allowed the sum of fourteen dollars and twenty-five cents, for nineteen days services as a hand on said road.

SEC. 13. That Edward McCartney of Carroll county, be allowed the sum of fifty nine dollars, for fifty-nine days services as a pilot and interpreter for the commissioners aforesaid.

SEC. 14. That Alexander Chamberlin, be allowed the sum of twenty-eight dollars for boarding supplied to the commissioners and hands, and for corn and forage for horses.

SEC. 15. That Walker Carter & Co. be allowed the sum of fifteen dollars, for various articles of merchandize furnished the commissioners while employed on said road.

SEC. 16. That the said John I. Neely, Chester Elliott and John McDonald be allowed the sum of ninety-nine dollars, for three hundred and ninety-six days services of pack horses on said road.

## CHAPTER IV.

An act to provide for the incorporation of Agricultural Societies.

[APPROVED, JANUARY 22, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That hereafter when any twenty or more citizens of any county, shall see proper to meet at their county seat in conformity to this act, it shall be lawful for them to organize themselves and become an agricultural society, with corporate and politic powers.

SEC. 2. Public notice shall be given by advertisements signed by at least three freeholders of the county, and put up at three public places in said county, three weeks



previous to said meeting, or published three weeks in a newspaper printed in the county of the intended meeting, setting forth that the object thereof is the formation of an agricultural society under the provisions of this act.

Officers to be chosen.

SEC. 3. When twenty or more citizens of any county shall have so met at the county seat, it shall be lawful for them to chose by voice, a chairman and secretary for said meeting, who shall be sworn or affirmed faithfully to discharge their respective duties as chairman and secretary of such meeting, and then to proceed to take a vote whether they will or will not incorporate themselves under the provisions of this act, and if there be twenty present who so agree, they shall forthwith hold an election by ballot for officers, at which election the chairman and secretary shall officiate as judges.

Officers of the society.

SEC. 4. The officers of each society, shall be a president, and vice president, treasurer, secretary and seven directors and such subordinates officers as the president and directors shall from time to time appoint, for the purpose of determining between competitors for prizes and awarding the same.

Treasurer to give bond.

SEC. 5. The treasurer shall give bond in such sum, and with such freehold security as the president and directors may approve, conditioned for the payment of all monies entrusted to him, to such person or persons as may be by law entitled to the same, and for the faithful discharge of his duty as treasurer; which bond shall be recorded in the recorder's office of the county, and filed in the office of the clerk of the circuit court of the county.

Tax to be assessed.

SEC. 6. Before any election is held for officers at the first meeting, it shall be determined by voice, what shall be the tax for the first year on each member, and at every annual meeting the amount of the succeeding yearly tax shall be determined by voice; which shall never exceed five dollars, or be less than one dollar, in any year on each member.

Society when organized to be a body corporate and politic.

SEC. 7. So soon as a certificate signed by the chairman and secretary, that a meeting and election of a president, vice president, secretary, treasurer and seven directors, has been had in conformity to this act is recorded in the recorder's office (whose duty it shall be to record to same) for a fee of twelve and a half cents, they and their successors, shall be in law and in fact, a body corporate and politic, to have continuance forever, by the name and style of the agricultural society of \_\_\_\_\_ county. And by such corporate name and style, shall be for ever able and capable, in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of suits, actions, complaints, pleas, causes, matters, and demands of whatever kind and na-

ture they may be, in as full and effectual a manner as any person or persons, bodies corporate and politic, may or can do.

SEC. 8. Said president and directors shall have power to make and alter by-laws, (a majority being necessary to form a quorum) to determine on what articles, animals, mode of husbandry or other improvements of any kind connected with agriculture or domestic mechanism, they will confer prizes, and the amount thereof, to fix the days of exhibition, to fill vacancies in their own body, or in any office pertaining to the society between the times of holding annual elections, to provide for the admission of other members, to direct by a by-law the mode of holding future elections, of the time and place of which election there shall be at least ten days notice by advertisement in three public places in the county: *Provided*, No by-law shall be contrary to the law of this state.

May make by-laws and confer prizes.

Shall fix the days of exhibitions.

Fill vacancies

Give notice of elections.

SEC. 9. Said president and directors shall have a common seal, with which they shall seal all their official acts, which seal they may alter and revoke at pleasure, and institute another instead thereof.

Shall have a common seal.

SEC. 10. Such corporation may receive donations of land or other property for the use of said society: *Provided*, that no such corporation shall hold any greater amount of real estate than the value of five hundred dollars, for any greater length of time than six months.

May receive donations.

SEC. 11. The president, or in his absence the vice president, shall preside at the meetings of the directors, and have a casting vote on all questions, and in case of absence of both those officers, the directors at any meeting may choose a president pro tem. from their own body.

Presiding officer and his powers.

SEC. 12. No money shall be appropriated for any other purpose than the payment of prizes, that relates to agriculture and domestic manufactures, and for publications on the same subjects, and the necessary contingent expenses of the society.

Money not to be appropriated except as a prize.

SEC. 13. Nothing in this act shall be so construed as to prevent any member of any agricultural society from withdrawing therefrom, on his giving notice thereof to the treasurer, and paying up all dues.

Members may withdraw.

This act to take effect and be in force from and after its passage.



## CHAPTER V.

An act for the apportionment of Senators and Representatives in the counties and territory therein named.

[APPROVED, JANUARY 9, 1829.]

Allen, Cass & certain territory to form 1 rep. dist. and ent'd to 1 rep.  
Montgomery, Fountain, Tippecanoe, Warren, Carroll and certain territory constitutes a dist. and entitled to 2 reps.  
Hamilton, Madison, Hancock, Henry and cert'n territ'y 1 dist. & entitled to 2 reps.

Randolph, Delaware, Allen, Cass & certain territory to form a senatorial dis.  
Sheriffs of said senatorial dis. to meet in Randolph co.

Putnam, Montgomery, Tippecanoe, Carroll, and certain territory to form a senatorial dis.

Sheriffs to meet in Montgomery co.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter the counties of Allen and Cass, and all the country north to the state line, shall form and constitute one representative district, and be entitled to one representative; and that the counties of Montgomery, Fountain, Tippecanoe, Warren, Carroll, and all the country north to the state line, shall form and constitute one representative district, and be entitled hereafter to elect two representatives; and that the counties of Hamilton, Madison, Hancock and Henry, and all the country north of said counties to the said state line, not attached to any other county or counties, shall hereafter form and constitute one representative district, and be entitled to two representatives.

SEC. 2. That the counties of Randolph, Delaware, Allen, Cass, and all the country north of said counties to the boundary line of the state, shall hereafter form and constitute one senatorial district, and be entitled to one senator; and that the sheriffs of the several counties composing said senatorial district, shall for the purpose of comparing the returns of elections, meet at the usual place of holding courts in Randolph county, on the Monday succeeding the election.

SEC. 3. That the counties of Putnam, Montgomery, Tippecanoe, Carroll, and all the territory by the act, entitled, "an act to attach certain territory to the counties therein named;" approved, January 24, 1828, which was attached to the counties of Hendricks, Tippecanoe and Carroll, and which will not interfere with the foregoing senatorial district, shall hereafter form and constitute one senatorial district; and the sheriffs of the several counties composing said senatorial district, shall, for the purpose of comparing the returns of elections, meet at the court house in Montgomery county, on the Monday succeeding the election.

This act to take effect, and be in force from and after its publication.

## CHAPTER VI.

An act to amend an act "entitled an act authorizing Domestic Attachments, and to regulate the proceedings thereon," approved, January 2, 1824.

[APPROVED, DECEMBER 26, 1828.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That each and every person who shall present and file any claim or demand against any person whose goods and chattels, lands or credits have been seized by virtue of a domestic attachment, shall enter into bond with security in double the amount of such claim or demand, conditioned in the same manner as the bond given by the person suing out such attachment is required to be conditioned by the act to which this is an amendment, and make oath to the justness of his claim.

Person filing claim to give bond.

## CHAPTER VII.

An act concerning the Wabash and Miami Canal.

[APPROVED, JANUARY 23, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the Canal Commissioners on the contemplated Canal, to connect at navigable points the waters of the Wabash river, and Lake Erie, now in office under a statute of this state, approved, 5th day of January 1828, before they proceed to perform any other or further duties, shall each enter into bond with at least two sufficient sureties, in the penal sum of fifty thousand dollars, each, payable to the state of Indiana, conditioned for the true and faithful performance of all and singular the duties as such commissioners, and for the true and faithful accounting for, and paying over, all monies which may or shall come to their hands as such commissioners, which said bonds after being approved of by his excellency the Governor, shall be forthwith filed and recorded in the office of the secretary of state, and shall be a lien as a mortgage upon all and singular the real estate of the obligors, severally from the date of the bonds.

Canal commissioners to give bond in the penalty of \$50,000 to be approved by the Governor, &c.

SEC. 2. That it shall further be the duty of said commissioners, so soon as they shall have given bond as aforesaid, to appoint one of their body, president of their board, which said appointment they shall record in the book of their proceedings, and shall also in writing, under their hands and seals, inform the governor, secretary, auditor, and treasurer of state of said appointment, and shall then proceed forthwith, to open their office at some convenient place to be by them selected, in the state of Indiana, and

Commissioners to appoint their president and inform the Governor thereof, and open their office.



shall remove all the books, documents and papers, belonging to, and connected with the duties by them to be performed, to their said office.

President to  
be acting com-  
missioner, &  
his duties.

SEC. 3. That the president of said board, is hereby made the acting commissioner, whose duty it shall be, to keep a true record of all their proceedings, transactions, communications and correspondence; and shall officially sign for the board, all records, communications, correspondence, and all other instruments in writing, documents and papers, necessary at any time to be signed by said board, and that all duties and services to be performed by said board, which can be performed by one person, shall be performed by the president, unless the board direct by an order on their books some other member of the board to perform the same. And it shall be the duty of the board, whenever they can advantageously do so, to divide their duties amongst the several members for performance, and shall keep a correct account of the number of days each commissioner may be in service, and shall monthly record the same in their books. But that no commissioner shall hereafter receive pay, except, while he is actively and advantageously employed in the services and duties by him to be from time to time performed.

Commission-  
ers to divide  
their duties,  
and keep an  
account of  
their services.

Line of the  
canal defined.

SEC. 4. That the line of the said contemplated canal, as surveyed and marked and platted by the engineer of the United States, as the same now stands, altered by the commissioners of the state of Indiana, as by them surveyed, marked and platted, the field notes and plats of all said surveys are now in the office of the secretary of this state, be and the same is hereby, for the time being, adopted and established as the line of said canal, subject however to such alterations as the chief engineer, who may be employed by the state of Indiana to superintend the construction of said canal, may find it necessary for the interest of the state to make.

Line subject  
to alteration.

Commission-  
ers to select  
the land when  
surveyed.

SEC. 5. That so soon as the lands on said canal which were donated to the state of Indiana, by the act of Congress of the 2d March, 1827, for the purpose of aiding the state in the construction of said canal, shall be surveyed, said commissioners shall proceed to, and shall select said lands agreeably to the true intent and meaning of the aforesaid act of Congress, omitting all reservations made by the treaty previous to the passage of said act of Congress, and make five complete plats, maps and descriptions of said lands, shewing the numbers, townships, ranges, and other necessary descriptions, together with the aforesaid reservations, if any, which would have fallen to the state, had no such reservation been made, and shall immediately forward one of said plats to the secretary of the treasury of the United States, and one to each of the offices of secreta-

Shall make  
plats thereof,  
and forward  
one to each  
office of state,  
and one to the  
treasurer of  
U. S.

ry, auditor and treasurer of state, and retain in their own office the other.

SEC. 6. *Be it further enacted*, That the sum of one thousand dollars, to be paid out of any money in the treasury \$1000 appropriated, be, and the same is hereby appropriated to defray the expenses of the board of commissioners of the Wabash and Miami canal, in discharging the duties required of them by the act entitled "an act to establish a canal to connect the navigable waters of the Wabash river, with the navigable waters of the Miami of Lake Erie," which sum shall be refunded out of the funds arising from the sale of the land when sold.

## CHAPTER VIII.

An act to amend an act, entitled "an act attaching certain territory to the counties therein named," approved, January 16, 1828.

[APPROVED, DECEMBER 23, 1828.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the territory included within the following boundaries, shall be attached to and from a part of the county of Monroe, to wit: Beginning at a point on the line dividing towns seven and eight, where the line dividing sections thirty-one and thirty-two intersects the same, thence north with said last mentioned line, to the dividing line of the counties of Bartholomew and Johnson; thence with said line to the north east corner of Monroe county; thence south to the line dividing town seven and eight; thence east with the last mentioned line, to the place of beginning.

Territory at-  
tached to  
Monroe coun-  
ty.

SEC. 2. All the residue of the territory lying west of Bartholomew county, as existing prior to the year 1827, and east of Monroe, which has not been attached to the counties of Jackson and Monroe by this act and the act to which this is an amendment, shall be, and the same is hereby made a part of the county of Bartholomew, to all intents and purposes.

Territory at-  
tached to  
Bartholomew  
county.

All parts of said act to which this is an amendment as comes within the purview of this act, be, and the same is hereby repealed.

Repeal.



## CHAPTER IX.

An act to authorize the surveying and marking the Boundary Line between the counties of Washington and Clark.

[APPROVED, DECEMBER 19, 1828.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Samuel Gray of the county of Washington, Joseph Bartholomew of the county of Clark, and John K. Graham of the county of Floyd, be and they are hereby appointed commissioners, to survey and mark the line dividing the counties of Washington and Clark, under the provisions herein after specified.

SEC. 2. It shall be the duty of the commissioners above named, to meet at the town of Providence in the county of Clark, on the first Monday in May, or as soon thereafter as a majority of them agree on, and when convened, after having taken an oath faithfully and impartially to perform the services by this act required of them, before some person authorized by law to administer oaths, shall employ suitable chain carriers, who shall likewise be sworn as aforesaid, and immediately proceed to survey and mark the dividing line between the counties of Washington and Clark, agreeably to the law now in force, which said line, when run and marked as aforesaid, shall thence forward be considered the dividing line between said counties of Washington and Clark, to all intents and purposes whatsoever.

SEC. 3. It shall be the duty of the commissioners aforesaid, to make out under their hands and seals, duplicate reports of said survey, and deposit one in each of the clerks' offices respectively, of the counties of Washington and Clark; and it is hereby made the duty of the respective clerks of the circuit court of the counties aforesaid, to record the same under the direction of the proper board of justices.

SEC. 4. The commissioners aforesaid, shall be allowed two dollars per day, and the chain-carriers one dollar day each, for each and every day they may be necessarily employed in performing the duties required of them by this act, to be paid, one moiety thereof out of the county treasury of Washington, and the other moiety thereof, out of the county treasury of Clark county, on the presentation of the written accounts by said commissioners to the proper board of justices.

SEC. 5. Should either of said commissioners refuse to serve, or die, the board of justices of the proper county, are hereby authorized and required to appoint some proper person to fill such vacancy.

## CHAPTER X.

An act authorizing the surveying and marking the Boundary Line between the counties of Clark and Scott.

[APPROVED, JANUARY 12, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Charles Ross of the county of Clark, and Isaac Kimberlin of the county of Scott, be, and they are hereby appointed commissioners, to survey and mark the line dividing the counties of Clark and Scott, under the provisions herein after specified.

Chas. Ross & Isaac Kimberlin appointed commissioners

SEC. 2. It shall be the duty of the commissioners above named to meet at the house of Jacob Fouts in the county of Clark, on the second Monday of May next, or as soon thereafter as said commissioners may agree on, and when convened, after taking an oath faithfully and impartially to discharge the services by this act required of them, before some person authorized by law to administer oaths, shall employ a suitable number of chain-bearers and markers, who shall likewise be sworn as aforesaid, and immediately proceed to survey and mark the dividing line between the counties of Clark and Scott aforesaid, agreeably to the law now in force, which said line when run and marked as aforesaid, shall thence forward be considered the dividing line between Clark and Scott to all intents and purposes whatsoever.

Duties of commissioners defined.

SEC. 3. It shall be the duty of the commissioners, to make out duplicate reports, under their hands and seals, of said survey, and deposit one in each of the clerks offices respectively, of Clark and Scott. And it is hereby made the duty of the respective clerks of the circuit courts of the counties aforesaid, to record the same, under the direction of the proper board of justices.

Commissioners to make return.

SEC. 4. The commissioners aforesaid, shall be allowed two dollars per day each, and the chain-bearers and markers one dollar per day each, for every day they may be necessarily employed in performing the duties required of them by this act, to be paid, one moiety thereof by the county of Clark, and the other moiety by the county of Scott, on the proper presentation of the written accounts by said commissioners, to the proper board of justices of their respective counties.

Allowance to commissioners and hands, & how paid.

SEC. 5. Should either of said commissioners refuse to serve, or die, the board doing county business of the proper county, are hereby authorized and required to appoint some suitable person to fill such vacancy.

Vacancy how filled.

This act to be in force from and after its publication.



## CHAPTER XI.

An act authorizing the Board of Justices doing county business in the county of Lawrence, to assess a poll tax for county purposes.

[APPROVED, JANUARY 23, 1829.]

Board may assess poll tax for county purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the board of justices, doing county business in and for the county of Lawrence, be and they are hereby authorized, if said board shall deem the same necessary, at their May term, to assess, and cause to be collected, a poll tax not exceeding fifty cents, for county purposes.

Poll tax for county purposes to be in addition to poll tax for state purposes.

SEC. 2. That all persons, who are subject to the payment of a poll tax for state purposes, are and shall be subject to the payment of the poll tax as above provided.

This act to take effect and be in force from and after its passage.

## CHAPTER XII.

An act to authorize Samuel Conner to build a Ware House on part of Water street in the town of Rome.

[APPROVED, DECEMBER 18, 1823.]

Board of justices may authorize Sam'l. Conner to build a ware house in Rome.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be lawful for the board of justices of Perry county, to allow Samuel Conner of said county, the privilege of erecting a ware-house opposite lot numbered eight in the town of Rome, so as to occupy a portion of water street in said town, under such directions and limitations as said board of justices shall deem expedient and necessary for the public welfare.

This act to take effect and be in force from and after the first day of May next.

## CHAPTER XIII.

An act regulating the mode of doing County Business in the counties of Allen, Hendricks and Madison.

[APPROVED, JANUARY 1, 1829.]

Provisions of the acts of 26th January 1827, and of 5th Jan. 1828, supplemental, regulating county business, extended to Allen, Hendricks and Madison.

*Be it enacted by the General Assembly of the state of Indiana,* That the provisions of an act, entitled, "an act regulating the mode of doing county business in certain counties therein named, approved January 26, 1827;" and also the provisions of an act supplemental thereto, approved, January 5, 1828, be and the same are hereby extended to the counties of Allen, Hendricks and Madison.

## CHAPTER XIV.

An act to authorize the Board of Justices of Bartholomew county to levy an additional tax.

[APPROVED, JANUARY 6, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the board of justices of Bartholomew county shall levy a poll tax of twenty-five cents, upon each and every person in said county liable to pay a poll tax for state purposes, which tax shall be paid in specie only and shall be by said board appropriated to the finishing of the court house of said county.

Board of justices of Bartholomew co. may assess a poll tax for county purposes, payable in specie.

This act to be in force from an after it passage.

## CHAPTER XV.

An act legalizing the proceedings of the Board of Commissioners for the county of Vigo.

[APPROVED, DECEMBER 23, 1828.]

WHEREAS it has been represented to the general assembly, that the board of county commissioners of the county of Vigo, by mistake as to the day of their regular session, the said commissioners did not meet on the first Monday of January, 1828, for the transacting of county business, as is provided in an act regulating the manner of doing county business in certain counties therein named, approved January 26, 1827.

Preamble.

AND WHEREAS much inconvenience was likely to occur if the appointment of assessor and other business was deferred until their next regular session (the first Monday in May) said board did meet on Monday the fourth day of February 1828, and continued in session three days, and proceeded to transact all the business that was required to be done by said act--therefore,

*Be it enacted by the General Assembly of the state of Indiana,* that all the acts of the said commissioners at the said meeting on the fourth, fifth and sixth day of February 1828, be, and they are hereby legalized, and declared as valid as if said commissioners had held their session and done the same business on the day appointed by the act aforesaid.

Acts of commissioners legalized.

This act to take effect and be in force, from and after its passage.



## CHAPTER XVI.

An act to change the mode of doing county business in the counties of Decatur and Tippecanoe.

[APPROVED, JANUARY 23, 1829.]

Board of commissioners for county business organized in Decatur & Tippecanoe counties.

Three commissioners to be elected at the first election, and their term of service & grade.

Their compensation.

Commissioners oath and other qualifications.

Commissioners to constitute a body corporate and politic, and their style and powers.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That there shall be and hereby is organized in the counties of Decatur and Tippecanoe, a board of commissioners for transacting county business, to consist of three qualified electors of said counties, one of which shall be elected annually to continue in office three years, and until his successor shall be chosen and qualified.

SEC. 2. At the first election in pursuance of this act, there shall be elected three commissioners in said counties, the person having the highest number of votes shall serve for the term of three years, the person having the next highest number of votes shall serve two years, and the person having the next highest number of votes, one year; but if two or more persons shall each receive an equal number of votes, their grade shall be determined by lot, and at all subsequent elections where there shall be more than one vacancy, the term of service of the person elected shall be determined in manner aforesaid; the commissioners so elected shall be paid two dollars per day each for their services, out of the county treasuries of said counties respectively.

SEC. 3. Each person elected as commissioner, shall on receiving a certificate of his election, take the oath or affirmation required by the constitution of this state, before some person legally authorized to administer the same, which oath or affirmation being certified on the back of such certificate, under the hand and seal of the person administering the same, shall be sufficient authority for such commissioner to take his seat as a member of the board, during the time for which he shall have been elected, and until his successor shall be qualified or sworn into office.

SEC. 4. The commissioners thus elected and qualified, shall be considered a body politic and corporate, by and under the name and style of the board of commissioners of the county of \_\_\_\_\_ and as such, by and under such name and style, may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court of law or equity, and to do and transact all business in behalf of said counties that may be assigned them by law, from time to time, and in all cases where the said counties may or shall have been heretofore injured, or may be hereafter injured in their goods, chattles, lands, tenements, rights, credits, effects or contracts, such commissioners shall and may, by and under their corporate

name and style, without setting out their individual names, bring any suit or suits, action or actions, either in law or equity, which may be best calculated to obtain redress for any such injury, in the same way and manner that a private individual might or could do, and may in the like way and manner that a private individual might or could do, by and under their name and style be sued by any person or persons having any manner of claim against said counties.

SEC. 5. The said boards of commissioners shall meet at the court house in their respective counties, for the purpose of transacting the business of said counties, on the first Mondays in January, March, May, July, September and November, in each and every year, and shall continue in session three days, if the business require it.

SEC. 6. The clerk of the circuit court, shall by himself or deputy, by virtue of his office, attend the meetings of the boards of commissioners, and do such other business as he shall be by law required to do. And the sheriff shall also, by himself or deputy attend said boards and execute their orders.

SEC. 7. When any two commissioners shall be present at the meeting of any of said boards, and a division shall take place on any question, it shall be continued until the next meeting of the board, before it shall be finally determined.

SEC. 8. When any vacancy shall happen in the office of commissioner, the circuit court of the proper county, or the two associate judges in vacation, shall appoint some suitable person to fill such vacancy until the next annual election for commissioners, when such vacancy shall be filled by an election of the electors of the proper county.

SEC. 9. And that the boards of commissioners in said counties, shall at such times as is now prescribed by law, appoint a lister (or listers) constables, collectors, and such other officers as the board of justices of said counties are by law authorized to appoint, and the said boards of commissioners shall allow to the clerks and sheriffs, the same compensation for their extra services, as is now allowed them by law.

SEC. 10. *Be it further enacted,* That all the powers hereafter given, and all the duties required of the board of justices by any act of the general assembly not expressly or virtually repealed by this act, be and they are hereby transferred to the boards of commissioners; and all the books, papers records and unfinished business of the boards of justices of said counties, shall be delivered to the county commissioners. Should any commissioner accepting his appointment, neglect or refuse to perform his duty as required by law, shall on conviction thereof by presentment or indictment, in the circuit of the

Sessions of the board.

Clerk of the C. court ex-officio to be clerk of the board.

And sheriff.

A division of the board shall continue a question till next meeting.

Vacancies how supplied.

Board to appoint certain officers.

Powers of the boards of justices transferred to commissioners.

Penalty on commissioners for neglect of duty.



proper county, be fined in any sum not exceeding one hundred dollars.

SEC. 11. That it shall be lawful for any person or persons, who may feel themselves aggrieved by any decision or order of said boards of commissioners, to appeal therefrom to the circuit court, in the same manner, and under the same restrictions and regulations, that appeals are now authorized from judgments of justices of the peace: *Provided however*, That nothing in this act shall be so construed as to authorize the qualified electors of said counties, to elect county commissioners on the first Monday in August next, but it shall be the duty of the inspectors and judges of the several townships in the counties aforesaid, on the first Monday in August next, to open a poll in which shall be entered all the votes given for and against changing the mode of doing county business in said counties, agreeably to the provisions of this act; and it shall be the duty of the inspectors and judges, at the time they announce the name of the voter, to their clerks, to put the question in the following manner,—are you in favor of changing the present mode of doing county business or not,—and the inspectors and judges aforesaid, shall certify the same to the clerk of the circuit court of the said counties of Decatur and Tippecanoe; and if it shall appear that a majority of all the votes given at the aforesaid elections, were in favour of changing the mode of doing county business, it shall be the duty of the sheriffs of said counties of Decatur and Tippecanoe, to advertise in the several townships of said counties, twenty days previous to the first Monday of September next, that there will be an election held in each township in said counties, on the said first Monday in September next, for the purpose of electing three county commissioners in each of said counties, as is provided for by this act, which said election shall be held at the usual places of holding elections in the townships in said counties, and governed in all respects by the laws now in force regulating and governing the elections of state and county offices: *Provided*, That ever after the first election for county commissioners, the same shall be holden thereafter on the first Monday in August annually.

This act to take effect and be in force from and after the last day of July next.

Right of appeal to C. court.

Proviso as to the taking effect of this act, and the election of commissioners who are not to be elected 1st Monday of August.

A poll to be opened 1st Monday of August for & against a change.

Question to be put to voters.

If the voters favor the change, the sheriffs to give notice of an election to be held 1st Monday of Sept.

Thereafter commissioners to be elected first Monday of Aug.

## CHAPTER XVII.

An act to change the mode of doing County Business in the counties of Wayne, Jefferson, Ripley and Fountain.

[APPROVED, JANUARY 19, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That there shall be, and hereby is organized in the counties of Wayne, Jefferson, Ripley and Fountain, a board of commissioners for transacting county business, to consist of three qualified electors of said counties, one of whom shall be elected annually to continue in office three years, and until his successor shall be chosen and qualified.

Board of Com. organized in Wayne, Jefferson, Ripley and Fountain.

SEC. 2. At the first election, in pursuance of this act, there shall be elected three commissioners in each of said counties; the person having the highest number of votes shall serve for three years, the person having the next highest number shall serve two years, and the person having the next highest number shall serve one year; but if two or more shall be equal in number, their grade shall be determined by lot, and at all subsequent elections where there shall be more than one vacancy, the term of service of the person elected, shall be determined by the same rule. The commissioners so elected, shall be paid two dollars per day each, for their services out of their respective county treasuries.

Three Com. to be elected at the first election, their term of service and grade.

SEC. 3. Each person elected as commissioner, shall on receiving a certificate of his election, take the oath or affirmation required by the constitution of this state, before some person legally authorized to administer the same; which oath or affirmation, being certified on the back of each certificate, under the hand and seal of the person administering the same, shall be sufficient authority for such commissioner to take his seat with, and act as a member of the board, during the time for which he shall have been elected, and until his successor shall be qualified or sworn into office.

Their compensation.

Commissioners oath and other qualifications.

SEC. 4. The commissioners thus elected and qualified, shall be considered a body politic and corporate, by and under the name and style of the board of commissioners of the county of \_\_\_\_\_ and as such, and by and under such name and style, may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court of law or equity, and do, and transact, all business on behalf of said counties, that may be assigned them by law from time to time; and in all cases where the said counties may or shall have been heretofore injured, or may be hereafter injured in their goods, chattels, lands, tenements, rights, credits, effects or contracts, such commissioners shall and may, by and under their corporate name and style, (without setting out their

Commissioners to constitute a body politic—style and powers.



individual names) bring any suit or suits, action or actions, either in law or equity, which may be best calculated to obtain redress for any such injury, in the same way and manner, that a private individual might or could do, and may in like way and manner, by and under their name and style, be sued by any person or persons having any manner of claim against said county.

Sessions of  
the board.

SEC. 5. The board of commissioners shall meet at the court house in their proper counties, for the purpose aforesaid, on the first Mondays in January, March, May, July, September and November in each and every year, and shall continue in session three days if the business require it.

Clerks and  
sheriffs of cir-  
cuit courts ex-  
officio officers  
of the board.

SEC. 6. The clerks of the circuit courts, shall by himself or deputy, by virtue of their offices, attend the meetings of the boards of commissioners, and do such other business as he shall be by law required to do; and the sheriffs in each county, shall also by himself or deputy, attend said board and execute their orders.

Commission-  
ers being divid-  
ed in opinion  
shall continue  
the question.

SEC. 7. When any two commissioners shall be present at the meeting of any of said boards, and a division shall take place on any question, it shall be continued until their next meeting, before it shall be finally determined.

Vacancies  
how supplied.

SEC. 8. When any vacancy shall happen in the office of commissioner, the circuit court of the proper county, or the two associate judges in vacation, shall appoint a suitable person or persons to fill such vacancy until the next annual election for commissioners, when such vacancy shall be filled by an election by the electors of the proper county.

First election  
to be the first  
Monday of  
August next.  
Election of  
constables at  
same time.

SEC. 9. The first election of commissioners in pursuance of this act shall take place on the first Monday in August next, and at the same time annually thereafter, there shall be elected a number of constables not exceeding one for each justice of the peace in such county, each of which officers to be elected by the voters of their respective townships: *Provided however*, That the provisions of this section shall only extend to the county of Wayne, and that the boards of commissioners in said counties of Jefferson, Fountain and Ripley, shall at such times as is now prescribed by law, appoint a suitable number of listers, constables and such other officers as the boards of justices of said counties are by law authorized to appoint.

Proviso limit-  
ing the sec-  
tion to Wayne  
county.

Powers of the  
boards of jus-  
tices transfer-  
red to the  
county com-  
missioners.

SEC. 10. *Be it further enacted*, That all the powers heretofore conferred on, and all the duties required of the county boards of justices, or county supervisors, by any act of the general assembly not expressly or virtually repealed by this act, be, and they are hereby transferred to the said boards of commissioners; and all the books, papers, records and unfinished business of the boards of justices of said counties of Wayne, Jefferson, Ripley and Fountain,

shall be delivered to the county commissioners. And if the said commissioners after accepting their appointment, shall neglect or refuse to do his or their duty in office, he or they so offending, shall on conviction before the circuit court of the proper county, be fined for any such offence, not exceeding one hundred dollars.

Penalty on  
commissioners  
for neglect of  
duty.

SEC. 11. That it shall be lawful for any person or persons who may feel themselves aggrieved by any decision or order of said boards of commissioners, to appeal therefrom to the circuit court, in the same manner, and under the same restrictions and regulations, that appeals are now authorized from judgments of justices of the peace.

Appeal to cir-  
cuit court.

This act to be in force from and after the last day of July next.

## CHAPTER XVIII.

An act to authorize the Board of Justices of Scott county, to sell a part of the Public Square in the town of Lexington, and for other purposes.

[APPROVED, JANUARY 22, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the board of justices of the county of Scott be and they are hereby authorized, at their May term in year 1829, to order a sale of such part of the southwest side of the public square in the town of Lexington, as to them may seem advisable, to be laid off and set apart in such manner as said board may direct; which said order shall be entered on the record book of said board, together with the metes and bounds of such parts of said square as may be ordered to be sold: *Provided however*, That the north east line of such part so ordered to be sold, shall not come within at least sixty feet of the court house.

Board of jus-  
tices of Scott  
county autho-  
rized to order  
a sale of part  
of the public  
square in Lex-  
ington.

Proviso.

SEC. 2. The county agent of said county, shall sell such part of said public square, in such manner, and upon such conditions, as the said board may order; and the said agent shall have full power and competent authority, to sell and convey, all the right of said county of Scott, in and to the parts of said square so sold, and for that purpose shall make a deed to the purchaser or purchasers, under the directions, and for and on behalf of said county, and the said board of justices, shall appropriate the proceeds of such sale for the benefit of said county in such manner as they may deem proper: *Provided however*, That such sale shall not take place, until there shall be filed in the clerk's office of said county, the consent of all those persons who own lots directly across the street from such part of said square so ordered to be sold.

County agent  
to sell and  
convey.

Board to ap-  
propriate pro-  
ceeds.

Consent of  
owners conti-  
guous to be  
first obtained.



County board of Jefferson co. may sell or lease two lots in Madison.

Board to appropriate proceeds.

SEC. 3. *And be it further enacted*, That the board doing county business in the county of Jefferson, be and they are hereby authorized, at any time they shall think proper, to sell the fee simple or lease for any term of years, the two lots in the town of Madison owned by the county laying east of the court house, south of Main cross street, and west of Walnut street, and the money arising from such sale or lease, shall be disposed of by said board for the use of the county.

This act to take effect and be in force from after its passage.

## CHAPTER XIX.

An act for the formation of the county of Cass.

[APPROVED, DECEMBER 18, 1828.]

Cass county organized and boundaries thereof.

(See act supplemental of 19th January, 1829, page 23, for a correction of the boundaries.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That from and after the second Monday of April next, all the territory included in the following boundary, to wit: Beginning on the west boundary line of the great Miami reservation at the intersection of the township line, dividing townships twenty-five and twenty-six; thence north three miles, thence west eight miles to the south west corner of section fifteen, township twenty-six, north of range one west; thence west three miles to the range line dividing ranges one and two west; thence north to the boundary line of the purchase of 1826; thence east, with said line, about twenty eight miles to the boundary of the five mile reservation, extending from the Wabash to Eel river; thence crossing the Wabash to a point due east of the place of beginning: thence west to the place of beginning, shall form and constitute a county, to be known and designated by the name and title of Cass.

SEC. 2. The said new county shall, from and after the second Monday in April next, enjoy all the rights, privileges and jurisdiction, which to separate and independent counties appertain and belong.

H. Restine, E. Powell, Wm. M. Purdy, H. Tyner, and S. M'George, com'rs. to fix seat of justice.

SEC. 3. That Henry Restine of the county of Montgomery, Erasmus Powell of the county of Shelby, William M. Purdy of Sullivan county, Harris Tyner of Marion county and Samuel M'George of Tippecanoe county, be and they are hereby appointed commissioners, for the purpose of fixing the seat of justice in said new county, agreeably to the provisions of an act, entitled "an act for fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named, or a majority of them, shall convene at the house of Gillis M'Bane,

in said new county, on the second Monday of August next, or so soon thereafter as a majority of said commissioners may meet, and shall proceed to discharge the duties assigned them by law.

SEC. 4. It shall be the duty of the sheriff of Cass county, to notify the commissioners herein above named, by written notifications of their appointment, on or before the fifteenth day of June next; and for such service, the board doing county business of said new county, shall allow him a reasonable compensation out of the county treasury thereof.

Sheriff of Cass co. to notify com'rs.

SEC. 5. The circuit and other courts of said new county, shall be held at the seminary in the town of Logansport, or at any other place therein, to which the said courts may adjourn, until suitable accommodations can be had at the seat of justice thereof, when the courts shall adjourn to meet at said county seat.

Courts to be held at Logansport, pro tem.

SEC. 6. The agent, who shall be appointed to superintend the sale of lots at the county seat of said new county of Cass, shall reserve ten per centum, out of all donations to said county, and shall pay the same over to such person or persons, as may be appointed according to law to receive the same, for the use of a county library for said new county.

Ten per cent. reserved for county library.

SEC. 7. It shall be the duty of the qualified voters of the county of Cass, at the time of electing a clerk, recorder and associate judges, to elect three justices of the peace, as well as three county commissioners, agreeably to the provisions of an act, entitled, "an act to establish a board of county commissioners;" approved January 30, 1824; who, when elected and qualified, as prescribed by said act, shall have all the powers, and perform all the duties prescribed by said act; which act is hereby revived, and to be deemed and taken as in full force, as relates to said county of Cass; and also the board of county commissioners, shall have all the powers, and perform all the duties prescribed by law, as relates to boards of justices in the several counties; said commissioners shall have power to hold special sessions, and to do and perform any duties required at any previous regular session.

Officers to be elected.

Three com'rs. to constitute a board for county business.

Powers and duties of the board.

This act to take effect, and be in force, from and after the first day of February next.



## CHAPTER XX.

An act supplemental to the act entitled "an act for the formation of the county of Cass," passed at the present session of this General Assembly.

(APPROVED, JANUARY 19, 1829.)

Boundaries of  
Cass county  
corrected.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the lines of the said county of Cass, be and they are hereby corrected, in the boundaries thereof, as described in the first section of the act, to which this is supplemental, by the insertion of the words "thence north three miles" next after the words "north of range west," and previous to the words, "thence west three miles," and the same, as hereby amended, shall be and remain the boundary of Cass county, as fully, as if the above amendment had been originally inserted in the description thereof in said act.

Certain territory  
attached to  
Cass county,  
for civil &  
criminal jurisdiction.

SEC. 2. That the territory included within the following boundaries, to wit: beginning on the western boundary line of the Great Miami reservation, at the corner of Cass and Carroll counties, in township twenty-five, range one east, thence south with said boundary line, to the line dividing townships twenty-four and twenty-five; thence east on said township line, to the eastern boundary of the said reservation; thence north, with the eastern boundary line of the said reservation, and in a line due north in continuation thereof, to the state line; thence on the line of the state, west to a point, where a due south line will strike the western boundary line of the said county of Cass; thence south to the line of Cass county; and thence east and with the lines of said county of Cass to the place of beginning, be and the same is hereby attached to the said county of Cass, for civil and criminal jurisdiction; and the citizens residing within the bounds so included, shall be entitled to all the privileges and immunities, and be subject to all the taxes, impositions and assessments of the citizens of the county of Cass.

## CHAPTER XXI.

An act to amend an act entitled "an act for the formation of Congressional Districts, and for the election of Senators and Representatives to Congress," approved, January 30, 1824.

[APPROVED, JANUARY 19, 1829.]

Represents  
to 22d con-  
gress to be  
elected first  
Monday of  
Aug. 1831.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the election of such number of representatives from this state, to the twenty-second Congress of the United States, as the state of Indiana may be

entitled to, shall be holden on the first Monday of August eighteen hundred and thirty-one, and biennially thereafter.

SEC. 2. That thereafter, all that part of the county of Carroll, which is situated east of the second principal meridian, and formed part of Delaware county, shall be attached to and form a part, of the same congressional district, which that part of said county of Carroll, which is situated west of said second principal meridian, and formed a part of Wabash county, now belongs and is attached.

Carroll county all attached to one district.

SEC. 3. That so much of the said act, approved January 30, 1824, as provides for the election of representatives to Congress, to be holden on the first Monday of August eighteen hundred and twenty-four, and biennially thereafter, be and the same is hereby repealed.

Repeal.

## CHAPTER XXII.

An act to authorize the Judges of the Montgomery Circuit Court to hold a special session.

[APPROVED, DECEMBER 17, 1823.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the judges of the circuit court of the county of Montgomery, be and they are hereby authorized, to hold a special term of the Montgomery circuit court, in the month of January 1829, as shall be appointed and fixed upon by the sheriff of said county of Montgomery for the trial of Peter Smith, now in custody of the sheriff of said county, on a charge of larceny.

Special session for the trial of Peter Smith. And Robert Nicholson, sec act of 24th Dec. 1823, page 30.

SEC. 2. It shall be the duty of the sheriff of Montgomery, when he shall appoint and fix upon a day for holding such special term of the Montgomery circuit court, forthwith to give notice to the accused, and to the clerk and judges of the said Montgomery circuit court; and such special session shall be governed in all respects by the laws relating to the practice in the circuit court, and shall adjourn from day to day, until the said trial shall be ended, and the clerks, judges, sheriffs and all other officers concerned, shall be governed by the provisions of an act providing for called sessions of the circuit courts, approved, February 12, 1825, and the judges shall appoint some suitable person, as an attorney of the state, should the circuit prosecutor be absent.

Sheriff to fix the day and give notice.

C. court practice to govern the trial.

Court may appoint att'y. for state.

This act to take effect from and after its passage.



## CHAPTER XXIII.

An act supplementary to an act entitled "an act to authorize the Judges of the Montgomery circuit court to hold a special session" approved December 17, 1826.

[APPROVED, DECEMBER 24, 1828.]

Special session of Mont. C. court to try Robt. Nicholson.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the judges of the circuit court of the county of Montgomery, who are authorized by the act to which this is a supplement, to try Peter Smith, at a special session of the Montgomery circuit court, be, and they are hereby authorized, at the same special session of the Montgomery circuit court, to try Robert Nicholson, arrested for aiding and assisting said Peter Smith, in escaping from the jail of said county, when confined on a charge of larceny, and also for aiding and abetting said Smith, in burning the jail of said county.

Any person for aiding the escape of P. Smith.

SEC. 2. *Be it further enacted*, That the judges of said court, be, and they are hereby authorized, at the same special session of the Montgomery circuit court, to try any other person who now is, or may be before the special session of said court, arrested in said county, for aiding and assisting in the escape of said Peter Smith, from the jail of said county, or who may be arrested for aiding and assisting said Smith in burning said jail.

Sheriff to notify, as before &c.

SEC. 3. *Be it further enacted*, That it shall be the duty of the sheriff of said county of Montgomery, after fixing upon the time for holding the special session of said Montgomery circuit court, as prescribed by the act to which this is supplementary, to give notice to the several persons accused, and to the judges and clerk of said court, in the same manner as is provided for by said act, and the trials of the persons to be tried under this act, shall be conducted in all respects, in the same manner as is provided for by the act to which this is supplementary.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER XXIV.

An act supplemental to an act, entitled "an act to amend the act to regulate the Judicial circuits, and fixing the times of holding courts therein," approved, February 12, 1825.

(APPROVED, JANUARY 1, 1829.)

Sheriffs to procure lists of jury fees col-

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That it shall be the duty of the clerks of the several circuit courts, semi-annually, on the first Mondays in January and July, to make from the returns of the ex-

ecutive officers of said counties, a detailed statement of all jury fees collected within the last half year, and deliver the same forthwith to the treasurer of their respective counties.

SEC. 2. It shall be the duty of the county treasurer, upon receiving said statement, to proceed forthwith against the proper officer in whose hands there shall appear any of said fees not accounted for, in the same manner and under the same restrictions, that are now authorized by the act entitled "an act establishing a county treasurer," approved January 31st, 1824, against delinquent collectors of county revenue,—and it shall be the further duty of said clerks, in making their first statement, to include all jury fees which may have been collected since the passage of the act to which this act is a supplement.

lected & hand to the Co. treasurers.

Co. treasurers to prosecute for jury fees collected and withheld.

Prior collections to be included in first statement.

## CHAPTER XXV.

An act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein.

[APPROVED, JANUARY 23, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the courts within the fifth judicial circuit, shall be held on the days and at the times following, to wit:

Terms in the 5th circuit.

In the county of Hendricks, on the Wednesdays next Hendricks. succeeding the first Mondays in February and August.

In the county of Morgan, on the second Mondays in Morgan. February and August.

In the county of Monroe, on the third Mondays in Monroe. February and August.

In the county of Bartholomew, on the fourth Mondays in Bartholomew. February and August.

In the county of Johnson, on the first Mondays in March Johnson. and fifth Monday in August.

In the county of Marion, on the second Mondays in Marion. March and first Monday in September.

In the county of Hancock, on the Thursdays succeeding Hancock. the third Mondays in March, and second Monday in September.

In the county of Shelby, on the fourth Monday in March Shelby. and third Monday in September.

In the county of Decatur, on the fifth Monday in March Decatur. and fourth Monday in September.

In the county of Rush, on the first Mondays in April and Rush. October.

In the county of Henry, on the second Mondays in April Henry. and October.



Madison.	In the county of Madison, on the Thursdays succeeding the second Mondays in April and October.
Hamilton.	In the county of Hamilton, on the third Mondays in April and October.
Carroll.	In the county of Carroll, on the third Mondays in May and November.
Cass.	In the county of Cass, on the Thursdays next succeeding the third Mondays in May and November.
Time courts may sit.	And in the county of Marion the courts may sit nine days.
	In the county of Hendricks the courts may sit four days.
	In the counties of Hancock, Henry, Madison, Carroll and Cass the courts may sit three days.
	And in the residue of the counties within said circuit the courts may sit six days.
Crawford.	SEC. 2. That the courts shall be holden in the county of Crawford, on the fourth Mondays in March and September, and sit so long as the business may require. And the courts shall sit five days in the county of Perry, if the business shall require it.
Perry.	
Probate court of Pike co.	SEC. 3. <i>And be it further enacted</i> , That henceforth the probate courts of Pike county, shall be held on the first Monday of February, the first Monday of August, and the first Monday of December, in each and every year.
Terms of the circuit courts of Vigo.	SEC. 4. That the terms of the circuit courts, in the county of Vigo, shall be holden on the second Mondays of April and September.
Parke.	In the county of Parke, on the fourth Mondays of April and September.
Vermillion.	In the county of Vermillion, on the Thursdays succeeding the courts in Parke.
Fountain.	In the county of Fountain, on the first Mondays of May and October.
Warren.	In the county of Warren, on the Thursdays succeeding the courts in Fountain.
Tippecanoe.	In the county of Tippecanoe, on the second Mondays of May and October.
Montgomery.	In the county of Montgomery, on the Thursdays succeeding the courts in Tippecanoe.
Putnam.	In the the county of Putnam, on the third Mondays of May and October.
Clay.	In the county of Clay, on the Fridays succeeding the courts in Putnam.
Owen.	In the county of Owen on the fourth Mondays of May and October.
Green.	In the county of Green on the first Mondays of June and November.
Time said last mentioned courts may sit	The circuit courts in the county of Vigo, shall sit twelve days if the business require it.

In the counties of Owen and Green, six days if the business require it.

In the counties of Parke, Vermillion, Fountain, Warren, Tippecanoe and Montgomery, three days if the business require it.

In the county of Putnam four days if the business require it.

And in the county of Clay, two days if the business require it.

SEC. 5. All writs, subpoenas, or other process, that may have issued from any of the several circuit courts since the last sitting thereof, or which may hereafter issue previous to the publication of this act, shall be deemed and taken, and hereby made returnable to the first day of the first term of the respective circuit courts, to be holden by virtue of this act; and all suits, complaints, prosecutions, recognizances, actions or other proceedings either civil or criminal, which are now, or may be hereafter pending, prior to the publication of this act shall be taken up and acted upon, at the first term of said court to be holden under this act, and be disposed of according to law, in the same manner, as if no alteration had been made in the time of holding said courts.

This act to be in force from and after its publication in the Indianapolis Gazette.

Process to be taken as returnable to said terms &c.

## CHAPTER XXVI.

An act to organize Probate Courts, and defining the powers and duties of Executors and Administrators.

(APPROVED, JANUARY 23, 1829.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That there shall be organized in each county in this state, a probate court, to consist of one judge, who shall be elected by the qualified voters in each county, at the general election on the first Monday of August next, and septennially thereafter, and shall be commissioned by the Governor, and shall hold his office for the term of seven years, and until his successor is chosen and qualified, and shall, before entering upon the discharge of his duties take an oath or affirmation similar to that which is required to be taken by the judges of the supreme court, which oath or affirmation, shall be endorsed on the commission, and a copy thereof filed in the office of the clerk of the circuit court of the proper county: *Provided*, That no person shall be elected such judge, or receive a commission therefor, until he shall first obtain a certificate from either one of the president judges of the circuit courts, or

Probate courts organized, to consist of one judge elected by the people.

Time of election and term of office.

Requisitions and qualifications of judge.



from one of the judges of the supreme court, that he is qualified to discharge the duties of such office, but that this condition shall not be so construed, as to require any such applicant to be a professional character.

SEC. 2. The said courts when organized, shall be called and styled the "probate court," according to the name of the several counties. They shall be, and the same are hereby made courts of record, and in their several counties shall have original and exclusive jurisdiction in all matters relating to the probate of wills and testaments, granting of letters testamentary, and letters of administration, the settlement and distribution of decedents' estates, the examination and allowance of the accounts of executors, administrators and guardians, the protection of minors, idiots and lunatics, and the security of their persons and estates, the appointment of guardians, and in the trusts, rights and interests arising from the relation of guardian and ward; and shall have power to punish contempts, and issue all writs, orders, citations or other process, necessary to carry their orders, and decrees into effect, and all process, orders and decrees, shall be enforced, executed and returned, in the same manner, and under the like penalties as the process, orders and decrees of the circuit courts. The said courts shall severally have a seal, to be devised by the court, who shall cause a description thereof to be recorded: and that all the jurisdiction, power and authority, not herein expressly stated, that now vests in the now existing probate and circuit courts, respecting decedents' estates, both testate and intestate, be, and the same are hereby vested in the probate court by this act created. And that whenever a final settlement of any decedent's estate is made in the absence of any person interested, such person shall be permitted to open said settlement, by a proper bill filed, in the probate court when such settlement was made, setting forth the particular items and grievances complained of, at any time within five years after such settlement is made, and not afterwards, unless such absent interested person shall be an infant, non compos mentis or beyond sea on public business, then in any such case, such person shall be permitted to open said settlement as aforesaid, in one year after such disability shall be removed, and not afterwards.

SEC. 3. The clerk of the circuit court and the sheriff of the proper county, shall be officers of the court of probate, and shall receive for their services, the same fees as are now allowed by law for similar services. It shall be the duty of the clerk, to keep a fair record of all the proceedings, rules, orders, judgments and decrees of the court, separate from the records of the circuit court, in books which he shall provide, at the expense of the proper

Style of court.

Made courts of record.

Jurisdiction, powers and duty of probate courts.

Shall have a seal.

Decree in the absence of a party may be opened in five years.

If an infant, &c. in one y<sup>r</sup>.

Clerk and sheriff of C. court ex-officio officers of P. court.

Their compensation.

Clerk's duties.

county. It shall be the duty of the sheriffs to attend the said courts, during their sittings, and to serve all orders and process to them directed, from the probate court of their own, or any other county in this state. And said clerks shall keep a docket of all contests, suits and motions, pending, and of all letters testamentary, and letters of administration, until they are finally settled, and shall keep a complete record book, in which he shall from time to time, make up a complete record of all such finally finished suits, motions and business, as shall be directed by the probate judge.

SEC. 4. If any person shall feel himself or themselves aggrieved by any order, decision, decree or judgment of the probate court, such person or persons shall have the right to carry the same to the supreme court, by appeal or writ of error, in the same way and manner, and under the same restrictions, that appeals, and writs of error are now taken, to judgments and decrees of the circuit courts; and the supreme court, shall take jurisdiction thereof, and hear and determine the same, according to the laws governing appeals and writs of error.

SEC. 5. That said probate courts, may appoint guardians, of minors, lunatics and idiots, on application made, or advice or information given, for the purpose of protecting their persons and estates, and every guardian shall give bond with free hold security, to be approved of by the court, with a penalty of double the estimated value of the property to be entrusted to his charge, and conditioned for the faithful performance of the duties and trusts reposed in him. And shall likewise be sworn faithfully to perform such trust, before entering upon his duties.

SEC. 6. In the settlements of all decedents' estates, any executor or administrator, or any other person interested, may compel plenary proceedings, by filing the proper bill or petition, as in a court of chancery, against the proper person or persons, or the court may, when necessary, direct such bill or petition to be filed; and all persons interested, who may be aggrieved by any settlement, made without such plenary proceedings on bill or petition as aforesaid, upon any of which said bills or petitions, said probate courts shall proceed in all respects as in a court of chancery, under the laws of Indiana; and shall have all the powers of courts of chancery, in coercing answers, and making up issues, punishing contempts, taking bills, petitions, answers or other pleadings as confessed, and in making both interlocutory and final decrees and orders, and in enforcing the same in all things, agreeably to the laws of Indiana.

SEC. 7. When the matters alledged if such bill or petition, are denied, or confessed and avoided, the court shall

Sheriff's duties.

Clerk's duties.

Appeal to Sup. court.

Further duties of P. courts.

Guardians to give bond, &c.

Bill may be filed as in chancery.

P. court may coerce answers, punish contempts &c.

Court may determine matters, or direct



issue of fact to be tried by jury.

Term to intervene before trial by jury.

Venire to issue for regular pannel of last C. court.

Jurors shall attend.

Their compensation.

Challenges & talesmen.

Trial as in C. court.

Costs in discretion of court.

Compel payment by attachment or execution.

Administration, &c. how granted.

Bond and security to be given.

Condition of bond.

Administration with will annexed how granted.

When revoked.

hear and determine the matters in controversy, upon the bill or petition, answer exhibits or depositions, according to the usages of courts; and the said court may in its discretion, or on the application of either party, for good cause shewn, direct an issue or issues, of fact to be made up and docketed, and stand for trial at the next ensuing term, and a venire shall thereupon issue, directed to the proper officer, commanding him to summon the regular pannel of the traverse jury of the last term of the circuit court of the county, the names of which jurors shall be set forth in such venire, and such jurors shall be bound to attend, under the same penalties that they are bound to attend the circuit courts, and shall receive the same pay out of the county treasury, as though they attended the the circuit court. And the probate court is hereby clothed with the same powers, as it respects challenges and talesmen, that the circuit courts are clothed with: and each of the parties litigant, shall have the same rights to challenge, as they would have in the circuit court; and the trials of any such issues shall be governed and conducted in all things, as in the circuit courts, and the probate court shall decree upon the finding of the jury; and in all cases, the court may award costs to any party, in their opinion entitled to the same, and may compel payment, by attachment of the body, or of the goods and chattles of the party against whom such costs shall be awarded, or by the proper writs of execution, agreeably to the laws of Indiana.

SEC. 8. That said courts, in granting letters of administration, or letters testamentary, shall, before the delivery thereof to the person to whom they are granted, require him, her or them, to make oath or affirmation, as the case may be, that he, she or they, will truly and faithfully perform the duties required of him, her or them, as such executor or administrator by law, and give bond, with good freehold security, in double the amount of the estimated value, of the estate of such decedent, entrusted to his, her or their control, payable to the state of Indiana, conditioned that he, she or they, will truly and faithfully perform the duties and trusts committed to him, her or them as such executor or administrator, according to law; and whenever any executor or executors of the last will and testament of any decedent, shall refuse to act, letters of administration shall be granted, with the will annexed, under the aforesaid conditions, and the intention of said testator shall be carried into effect, so far as can be by law; and if after the granting of letters of administration, of any decedent's estate, any last will and testament of such decedent should be discovered, if there be any executor appointed by such will or testament, who will accept the trust and qualify under this act, letters of administration

before granted, shall be revoked, and letters testamentary, shall be granted to such executor; but if such executor refuse such trust, said will shall be annexed to the letters of administration, and the same shall be binding on said administrator.

SEC. 9. That whenever any executor or administrator, shall declare, that the estate of his testator or intestate, is insolvent as hereinafter mentioned, no suit shall be brought or sustained against him: *Provided*, That within sixty days after such declaration, he file his complaint in the court by whose authority he was invested with the trust aforesaid, setting forth clearly and succinctly, the condition of the estate, both real and personal, and the probable value thereof, and the amount of debts, so far as they have come to his knowledge, and praying generally for relief; and upon filing such complaint, he shall with due diligence, give notice to all creditors of said estate, if within the jurisdiction of said court, and publish, in some newspaper printed and published in his county, if there be such, if none, in any other most convenient, notice of the pendency of such complaint, and that all creditors, who do not come in and present their claims before the determination of the court thereon, shall be postponed; and at the first term, after proof of the notice aforesaid, having been duly served and published, shall investigate all claims exhibited against such estate, and after hearing such legal testimony thereon as shall be brought before him, shall record his decision on the same, either of allowance or disallowance; which decree shall be final, unless appealed from to the circuit court; and the court, after decisions have been made on all the claims which shall be exhibited within the times said court may see cause to fix, and after the real and personal estate shall have been sold, under the proceedings and the amount of the proceeds thereof, after deducting the costs and charges of the proceedings, are ascertained, shall proceed to decree a distribution of the fund, to each creditor entitled under the proceedings, in proportion to the amount of his adjusted claim, without regard to the dignity thereof, except that the charges of administration, funeral expenses and the expenses of the decedents last sickness, shall be first entirely satisfied; and also, if any special lien, upon any of the decedents estate exists, by virtue of a contract in favor of any creditor, such lien shall also be first satisfied and discharged, so far as the property thereby bound will discharge the value or amount of the contract, before distribution be made; and if a balance remain, of the debt or demand for which such lien was contracted, the said creditor shall be entitled for such balance, in the said distribution, in common with the other creditors; and any cre:

Proceedings in case estate be declared insolvent, &c.

Complaint to be filed in 60 days.

Notice to creditors.

Claims to be investigated.

Decision and appeal to C. court.

Distribution.

Priority of claims.



Creditors failing to exhibit, precluded.

Administration, where granted.

In vacation limited.

Bond and condition.

Rights and powers of administrators, &c. as to the goods, &c.

May have actions.

Preference in uncontested rights to administration.

When probate judge is

ditor failing to exhibit his claim, before the final decree for distribution be made, shall be precluded from any share in the distribution.

SEC. 10. Letters testamentary and of administration, shall be granted in the county where the decedent was a resident, at the time of his death, except in the case of the decease of a transient person, when said letters shall be granted in the county in which said decedent died; and said judge shall have power in vacation, to grant under his hand and seal, letters of administration, to collect and preserve the goods and chattels of any decedent, until letters of administration can be granted at a regular term of said court, provided he shall deem it necessary, upon affidavit made before him, by any person in any wise interested, that said goods and chattels, are in danger of being removed or squandered, taking bond payable as aforesaid, conditioned for the faithful collection and preservation of said goods and chattels, and delivery of the same on the demand of the administrator of the estate, which letter shall authorize said person, to take the possession of, and demand, sue for and recover, the goods and chattels of the decedent, in the possession of any other person.

SEC. 11. From the granting of letters testamentary or of administration, the executor or administrator, shall be invested with all the powers and rights of the decedent he represents, subject to the limitations of law, on account of the trust, to all the goods, chattels, rights and credits, moneys and effects of the decedent, wheresoever the same may be in this state, and shall have right by the proper action, to recover the same in whose possession the same may be, and damages for their waste, injury or detention, and such right shall in all cases have relation back to the period of the decedent's death, so as to include all trespasses, after the decease of the testator or intestate; and such executor or administrator shall also have actions of account, and on the case, for goods and chattels of the testator or intestate, injured, carried away or detained, in his lifetime.

SEC. 12. That in case of contested rights to grants of letters of administration, the widow or next of kin of the intestate, or some of them, creditors and other proper persons, shall have preference in the order here mentioned, and from those in equal degree, the court may select to whom he will grant, always taking into consideration the integrity and ability of the applicant; and in all cases of persons dying intestate, where there shall be no relatives or creditors, applying for administration, it shall be lawful for the court having jurisdiction, to appoint any fit person to administer on such estate.

SEC. 13. Whenever said probate judge, shall become executor of any last will and testament, or administrator

of any decedent's estate, the circuit court of the proper county shall have entire jurisdiction, as is provided in other cases for the court created by this act; and the clerk of the probate court, and the circuit court, in the case last mentioned, shall make full and complete records of the proceedings and final adjudication of each and every case, settled in either court, and copies thereof, under the seal of said court, attested by said clerk, shall be testimony of such proceedings in any court in this state.

SEC. 14. That in case an executor or administrator, shall fail to give the security required of him by this act, within such time, as the court making the order shall allow, for the grant of letters testamentary, or of administration, such order shall be revoked, and another appointment of such trust made, under the provisions of this act; and if, at any time the securities of any executor or administrator, shall die, remove or become insolvent, or from other causes, the estate entrusted to such executor or administrator shall be in danger of being wasted, without probability of his securities' sufficiency or liability to answer for such waste to the creditors, heirs, legatees, or devisees, the said court shall have power to revoke such trust, upon the prayer of any person interested therein, and re-grant the same, as herein before provided, unless such executor or administrator, shall give such further and sufficient security as the court may require. And on such revocation, the successor in such trust, may by suit upon his bond to be instituted, have decree for an account against such former executor or administrator, and his securities, of and concerning the goods, chattels, monies, and effects, belonging to the estate of the testator or intestate, and for the payment and delivery over to the plaintiff, of what may be found, upon such accounting, to belong to him on account of said trust; and if the security of any executor or administrator shall complain to the probate court, that such executor or administrator, abuses the trust reposed in him, by waste of the estate committed to his charge, or other illegal acts, or that he has, or is likely to become insolvent, and such security thereby endangered, the said court shall have authority to inquire thereof and revoke such executor or administrator's powers, and vest the same in said security, or any other proper person, under the provisions herein before contained.

SEC. 15. That within three months after their appointment the executor or administrator, shall give notice of the same, by publication in a public newspaper printed in the county, if there be such, and if not, in a newspaper most convenient thereto, and declare whether the estate entrusted to him, be probably solvent or not; and shall also, within the same time, make a full and perfect

interested C. court to have jurisdiction.

Clerk's further duties.

Copies to be testimony.

Adm'rs. failing to give security.

Order to be revoked.

Where estate is in danger of being wasted, administration to be revoked and re-granted.

Successors may have suit against predecessors.

Securities may have their principal removed.

Adm'rs to give notice in 3 months after appointment.

To make inventories.



inventory of the personal estate, goods, chattels, rights, credits, monies and effects of the testator or intestate, so far as they may have come to his knowledge, and shall thereafter from time to time, make further inventories, as the further knowledge of the personal estate of the decedent shall be obtained; and such inventories to be taken with assistance of two respectable freeholders of his neighbourhood, who shall be sworn to appraise all goods and chattles proper to be appraised, shall be returned to the clerk of the circuit court, verified by the affidavits of the executor or administrator, and appraisers, and shall by such clerk be filed among the records in his office.

Two free-  
holders to be  
sworn to ap-  
praise goods.

SEC. 16. That the executor or administrator shall as soon as practicable, after filing an inventory, proceed, after giving three weeks notice thereof, by publication in a newspaper printed and published in his county, if there be such, and by notice at three of the most public places in the township where the sale is to be made, to sell at public auction, the goods and chattles, of his testator or intestate, on credits of at least three months, where the amount purchased exceeds three dollars, and as often as after inventories are made, like sales shall be made of the goods and chattles contained therein, and shall require of the purchasers, notes or bonds with security, for the payment thereof, according to the conditions of the sale; and for the value of such sales, an account of which he shall cause to be filed with the clerk of the court, he shall be liable. Such account of sales to be kept and sworn to, by the clerk of such sale, who shall be some fit person not interested in said estate.

Adm'r to give  
notice and sell  
goods.

Purchasers to  
give security.

Account of  
sales to be  
filed.

Adm'r to  
make inven-  
tory of real  
estate if per-  
sonal is in-  
sufficient.

Heirs, &c to  
be summoned.

Adm'r to give  
additional  
bond.

SEC. 17. That it shall be the duty of any executor or administrator, as soon as he discovers, that the personal estate of his testator or intestate, is insufficient to pay the debts, to take an inventory of the real estate and have the same appraised in like manner, as is provided in the case of the personal estate, and file the same in the probate court as aforesaid, and upon his suggestion, or upon the suggestion of a creditor or creditors of the estate, that the personal estate of said decedent, is not sufficient to pay the debts of said decedent, and the matters aforesaid are truly and substantially stated, the heirs or devisees of the testator or intestate shall be summoned, and if they cannot shew good cause, why the said real estate or part thereof shall not be sold, the court shall decree that the whole, or so much thereof, as may be necessary to supply the deficiency of the personal estate, shall be sold by such executor or administrator, after his giving additional bond with security as aforesaid, under such restrictions as the court may deem necessary, for the security of all persons interested therein; and no conveyance shall be made upon

such sales, until the same be approved by the court, and their order for the conveyance be made.

SEC. 18. That when the executor or administrator shall discover, that the personal and real estate together, will not discharge the debts and other demands against it, he shall give public notice thereof, by publication in a newspaper printed and published in the county, or, if there be none, in one in the most convenient county there- to, declaring such estate insolvent, and claiming the set- tlement thereof as an insolvent estate, and shall also give like notice thereof, by advertisement at the court house door of such county, and the executor or administrator may, upon like application, have like decree, to sell the real estate of an insolvent decedent, as is provided in the tenth section of this act.

If estate be in-  
solvent, real  
estate to be  
sold.

SEC. 19. That no actions shall be brought against any executor or administrator, until the lapse of one year, af- ter the taking out the letters testamentary or letters of administration, for any demand against the estate of the testator or intestate, and in the mean time, all creditors of such estate, shall give notice in writing of their claims, describing succinctly, the nature and amount thereof, against such estate; and any creditor failing to give such notice, shall claim no preference on account of the supe- rior dignity of his demand, nor shall any executor or ad- ministrator, be made answerable out of his own estate for such demand, on account of having paid a debt of inferior dignity, before he had notice thereof, but such demand shall not be defeated nor postponed, if when no- tice be given as aforesaid, there be assets of the estate out of which the same or part thereof ought to be paid.

No suit to be  
brought vs.  
adm'r within  
one year.

Creditors to  
give notice of  
their claim.

SEC. 20. That whenever sales of real estate shall be made, under a decree of the court, pursuant to this act, and confirmed by the court, all liens, not specially except- ed by such decree, made or suffered by the testator or in- testate, shall be extinguished thereby, provided that the owner of such lien be made party to the proceedings, or fail to make himself a party, after the notice aforesaid, or, if he be a non-resident, fail to apply to the court, to open the proceedings aforesaid, within two years after passing the decree.

Liens on real  
estate sold,  
extinguished.

SEC. 21. That executors and administrators, in making payments of the demands against the estates of their tes- tators and intestates, shall pay in the order following, to wit: Funeral expenses, expenses of last sickness, officers fees, judgments and debts of record, debts evidenced by obligations, or other instruments in writing, open accounts, and if any executor or administrator has reason to believe, that any demand whatever exhibited to him for payment is untrue, or that the same has been paid, or that he will

Order of pay-  
ment to credi-  
tors.

Doubtful  
claims how  
adjusted.



Creditor to  
file demand in  
P. court.

Appearance.

Proceedings.

Decree.

Consolidated  
claims and  
several de-  
crees.

Costs.

Appeal to sup.  
court.

Decree evi-  
dence for  
adm'r.

Distribution  
after one year.

Widow, heirs  
&c. may be  
summoned  
to answer.

Decree.

be endangered, by making payment thereof without judicial proof, of being made liable to answer the amount thereof, out of his own estate, to the creditors, heirs or legatees of his testators or intestates estate, he may require of the holder or holders of any and all such demands, to file such claim, or a succinct statement thereof, in the probate court of the county in which the executor or administrator took out the letters testamentary or letters of administration, and allege the non-payment or non-performance thereof, and if such executor or administrator, will enter his appearance thereto, as a defendant, and plead to the same, proof of and concerning the matters in question, shall be taken either by deposition, on reasonable notice of time and place, or *viva voce* before the court, as the court may direct, or the parties agree, and if such executor or administrator demand, such claimant shall answer on oath, and make discovery of and concerning his claim, and the court upon their hearing of such claim, upon the merits concerning the same, shall pass such decree, as shall be just, according to equity and the law of the land; and sundry claims of the description above mentioned, may be included in one proceeding against such executor or administrator, and sundry decrees passed thereon; and such decrees and orders concerning the costs in such proceedings, may be passed by such court, as are just, according to the usages of courts of equity; and from any final decree, appeal or error shall lie to the supreme court as in other cases; and decrees passed upon such proceedings shall, if had with good faith, and without fraud, be conclusive evidence in favor of any executor or administrator, in any suit brought against him, upon questions respecting the assets of his testator or intestate arising therein.

SEC. 22. That after the lapse of one year, after the taking out the letter testamentary, or letters of administration, and after the payment of all creditors, and the charges and expenses of administration, distribution shall be made of the residue of the personal estate, by the executor or administrator, according to the provisions of the last will and testament of the decedent, or if there be none, according to the act entitled "an act to regulate descents;" and the executor or administrator may have the widow and heirs or legatees summoned, to answer in the probate court, of and concerning such distribution; or the widow, heirs or legatees may file either a joint or several complaint in such court, claiming their several shares, and demanding that such executor or administrator answer thereto; and in passing decrees thereon, the court shall require those who may have been advanced by the testator or intestate, by settlements or portions, or parts thereof, in his life time, if claim be made by them, in the

distribution, to answer as to the value of such portion or advancement, and such portions or advancements, shall be included in the distribution; and each claimant be decreed to have his portion of the whole, according to his right under the act aforesaid. And in the distribution of the personal estate of any decedent, the widow shall be entitled to one third part thereof, after the payment of all just debts: *Provided*, That the widow of any decedent may select, at the valuation as contained in the inventory, to the value of one third of the goods and chattels of such decedent, on giving bond with sufficient security, to account therefor, to the creditors, heirs or legatees, if for the payment of debts, or to equalize the residue of the estate after payment of debts in its distribution, such accounting shall be necessary. And such widow, over and above the privilege aforesaid, may select (at the time of valuation) one hundred dollars, in value, of the personal estate of her deceased husband, for which she shall not be required to account in any manner whatever.

SEC. 23. That no suit against any executor or administrator shall be stayed or prevented, on occasion of this act, after the lapse of the year aforesaid, unless the estate be declared insolvent, as aforesaid; when six months further time shall be given such executor or administrator, unless the court, for good cause, grant an order for such stay or prevention, which shall not exceed at one time more than three months.

SEC. 24. That in all cases of estates without heirs, and no devise of the estate be made, the executor or administrator shall make sale of all the real and personal estate, in like manner as herein before provided; and after payment of the charges of administration, and all other debts, such executor or administrator, shall deposit the residue of the monies in the state treasury, taking the treasurer's receipt therefor; and the treasurer shall credit, on a book to be kept by him for that purpose, the estate of the decedent, with the amount; and if any person, at any time thereafter, shall prove himself, upon complaint to be by him exhibited in the court, from which the authority of the executor or administrator of such estate emanated, entitled thereto, the court shall decree to that effect; and upon such person exhibiting to the state treasurer, a transcript of the record of such decree, the treasurer shall pay the amount of the monies so deposited, to such person, out of any monies in the treasury not otherwise appropriated; and the portion of any known legatee, or heir of any testator or intestate, who may be resident out of the United States, at the time of closing the settlement of such estate, by the distribution aforesaid, shall be in like manner deposited with the state treasurer, by the executor or ad-

Widow's part  
of personal es-  
tate.

Widow shall  
give bond to  
refund.

\$100 to widow  
absolutely.

No stay of  
suit after one  
year, unless  
estate be in-  
solvent.

Residue of es-  
tates without  
heir, to be de-  
posited in  
state treasury.

Treasurer's  
duty.

Person enti-  
tled may af-  
terwards  
claim the es-  
tate.

After decree  
S. treasurer to  
pay over.

Portion of heir  
abroad to be  
also deposited  
in S. treasury.



ministrator, and shall be accounted for, as aforesaid, upon proof as aforesaid, in said court, by the person claiming to be such heir or legatee, of his identity.

Creditors may  
file bill vs.  
adm'r &c.  
for fraud.

SEC. 25. That whenever any executor or administrator, shall be guilty of fraud, negligence, or other mal-administration of the estate entrusted to him, so that thereby the assets of such estate, are in danger of being lost or diminished in value, or in cases of a fraudulent devise, or transfer of his estate, either real or personal, or choses in action, in his life time, by the testator or intestate, with intent to defeat creditors, such creditors, or one or more of them, for the benefit of all the creditors, who will exhibit their demands, and contribute to the expense under such proceeding, may file their bill of complaint in equity, making such executor or administrator, the debtors of such estate; the fraudulent grantees, devisees and assignees, and all persons against whom it will be proper to render a decree, defendants thereto; and the court upon final hearing thereof, shall decree such relief to the complaint and all parties concerned therein, as is consistent with the provisions of this act, and the usages and principles recognized by courts of equity.

Decree.

Waste.

SEC. 26. That any mal-administration by an executor or administrator of the assets of his testator or intestate, by which the same are lost or rendered less valuable, or are diverted to the injury of any creditor or person entitled in the course of distribution, shall be denominated waste; and such executor or administrator, and his securities, shall be liable to answer out of their own estates, to the person or persons injured by such waste.

Executor de  
son tort.  
Penalty.

SEC. 27. That if any person shall unlawfully intermeddle with, or embezzle any of the goods, chattels, rights, credits, monies or effects of a decedent, such person shall be chargeable as executor of his own wrong, and be liable to the action of the creditor, or other person injured, to double value of the injury thereby occasioned; and such person may be required, in any proceeding against him therefor, to answer, and discovery on his oath make, of all things concerning such intermeddling or embezzlement, and all things relating thereto; and the court on the hearing thereof, shall adjudge according to the right.

Adm'r's may  
by leave of  
court, com-  
pound claims.

Adm'r's need  
not prosecute  
insolvent per-  
sons.

SEC. 28. That any executor or administrator may be authorized, by the probate court, to compound any claim of the estate of his testator or intestate, against any insolvent person or estate, in such manner as will be most beneficial to the estate of such testator or intestate: and no executor or administrator shall be bound to commence suit against any insolvent person, or estate, if he doubt that no part of the claim can be recovered: *Provided*, he file such claim in the clerk's office of the court, by whose

authority he was invested with the trust of executor or administrator aforesaid, for the benefit of such of the creditors, heirs or devisees of the estate of the testator or intestate, as will prosecute therefor; and the creditors in such case shall have preference, and suit for such claim may be carried on, in the name of the person or persons for whose use it is prosecuted.

Creditors  
may.

SEC. 29. That when an execution against the executor or administrator, to be levied of the goods and chattels of his testator or intestate, shall be returned that no goods or chattels can be found, the plaintiff may bring suit upon such executor's or administrator's bond, against him and his securities, and suggest therein, that such executor or administrator has wasted the assets of his testator or intestate, with which he ought to have paid and satisfied his demand, and may in such suit require such executor or administrator and his securities, to answer on oath, and discovery make, of all concerning the assets and administration of such estate, and the court shall upon the hearing of such cause, adjudge according to the legal and equitable right; but no mispleading or lack of pleading of any executor or administrator, in the suit upon the judgment, on which execution as above mentioned issued, shall render him liable beyond the amount of assets, for which he ought to account, nor shall any judgment by default, *nil dicit*, *non sum informatus*, or confession, preclude him from defence, by shewing that he has fully administered, unless in the suit, upon which such judgment was had, it be averred, that such executor or administrator had wasted the assets of the estate, with which he ought to have paid or satisfied such debt or demand.

Suit may be  
brought on  
adm'r's bond,  
on the return  
of *nulla bona*  
to *fi fa* against  
him & waste  
suggested.

Adm'r to an-  
swer on oath.

Decree.

Mispleading,  
&c. not to  
prejudice.

SEC. 30. That whenever the plaintiff, in a judgment against an executor or administrator, shall have execution thereon returned, that there are no goods and chattels of the testator or intestate, out of which the judgment could be levied, such plaintiff may have a *scire facias*, upon such judgment, against the executor or administrator, and may therein suggest waste of the assets of the estate of his testator or intestate, and such further proceedings and judgment shall be had thereon, as in an action of debt suggesting a waste of such assets.

Plaintiff may  
have a *scire*  
*facias* vs adm'r  
on the return  
of *nulla bona*  
to *fi fa*.

SEC. 31. That no real estate of any testator or intestate, shall be subject to execution upon any judgment against any executor or administrator, unless the heirs, devisees, and terre tenants be first made parties thereto, by *scire facias*, nor shall such real estate be subject to sale, in any proceeding, unless the heirs or devisees be made party thereto.

Real estate  
subject to ex-  
by making  
heirs, &c. par-  
ties.

SEC. 32. That the plaintiff, on a judgment to be levied of the assets of the testator or intestate, when they shall

After judg't  
of assets  
quando acci-  
deriat.



Sci. fa. may  
issue, &c.

Devastavit  
being sugges-  
ted pl'tf may  
give evidence  
of assets prior  
to the judg't.

Wills, their  
requisites  
and proof.

Foreign wills  
how proved  
and authenti-  
cated.

Foreign let-  
ters testamen-  
tary, &c. how  
authenticated

Wills, &c. ad-  
mitted to re-  
cord.

Persons con-  
cealing wills,  
&c. not to be  
benefitted.

come to the hands of the defendant to be administered, may have a scire facias against the defendant, suggesting that such defendant has acquired or become possessed of such assets since the judgment, and such proceedings shall be had thereon to judgment, as are consistent with law and the rights of the parties. Whenever judgment of assets *quando acciderint* may have been or shall be rendered, against any executor or administrator, it shall be lawful on the suggestion of a devastavit, for the plaintiff to go into evidence of assets in the hands of such executor or administrator, as well before the said judgment as afterwards.

SEC. 33. That wills, testaments, and codicils, by which any lands, tenements, or hereditaments, or any interest therein, are to be devised, shall be in writing and signed by the testator, and two credible witnesses, in the presence of the testator, and unless so executed shall be void; and proof thereof, shall be by the oath of one or both of such witnesses, if living, or within the jurisdiction of this state; and, if not, by proof of their or one of their, or the testator's hand writing: and wills, testaments, and codicils devising lands in this state, executed abroad and proved according to the law of the country in which executed, and so duly certified under the seal of the court or officer taking such proof, and the same authenticated, by the certificate of the presiding judge of such court, or the first judge of the county or district, within which such proof was taken, that the certificate is in due form of law, shall be sufficiently proved to admit the same to record, and be of like force and effect as if taken within this state; and letters testamentary and of administration, granted by the proper authority, and authenticated as aforesaid, shall be of like force and effect as the above mentioned probate of wills and testaments, and copies of the wills and testaments, and codicils proved as aforesaid, and of the grant of letters testamentary and letters of administration, authenticated as aforesaid, shall be good and sufficient evidence of the gifts, devises, power, authority, and title therein contained; and the executors and administrators mentioned therein, may sustain suits thereon, and do all other acts thereby authorized, upon having the same entered of record in any probate court in this state, in like manner, and to the like effect, as if the probates and grants aforesaid, had been by the proper authority, within the jurisdiction of this state.

SEC. 34. That proved wills, testaments and codicils, devising real estate, or an interest therein, shall be admitted to record in like manner, as proved conveyances of real estate, and the records and copies of such records, shall be of like force and effect, as in cases of conveyances; but no lands, tenements or hereditaments shall pass by

any will, testament or codicil to any person or persons or devisees in such will, testament or codicil, who shall know of its existence, and have the same in their power to control, for the term of three years, unless within that time such person or persons, have the same duly proved according to the provisions of this act; but such neglect shall be deemed fraudulent, and avoid such devise, and such lands, tenements and hereditaments, shall descend to the heirs of the testator; and all legacies, and devises, made by any last will, testament or codicil to a subscribing witness thereto, shall be void, and the property so devised or bequeathed, shall go to the heir or residuary legatee or devisee.

SEC. 35. That no noncupative will, whereby the value of fifty dollars is bequeathed, shall be valid, unless proven by at least two credible witnesses, present at the making thereof, nor unless the testator bid those or some of them present, to bear witness, that such was his will, or to that effect; nor unless the same is made during the last sickness of the testator; nor unless within six days after the making the supposed testament, the substance thereof be committed to writing; but this provision shall not affect a testamentary disposition made by a person at sea, or in actual military service, of his moveables, wages and personal estate, at such time in his possession; and no noncupative will shall be proved, unless the widow and next of kin have first had reasonable notice by summons.

SEC. 36. That no proof of any will, testament or codicil, under the provisions of this act, shall be conclusive upon any person claiming an interest in the estate, either real or personal, thereby devised or bequeathed; but such person may, within seven years thereafter, contest the same, and have the issue of devise or no devise, bequest or no bequest, tried by a jury of the country; and the court, before whom such trial may be had, shall give judgment upon the finding of the jury, according to the right ascertained thereby.

SEC. 37. That every guardian shall have full power to dispose of the personal estate of the infant, lunatic or idiot committed to his charge, for the care, education and sustenance of the infant, and care and sustenance of the idiot or lunatic; and for the general advancement of the estate of the person committed to his charge: and all sales of such personal estate, shall be made, as to the inventory, notice and conditions of sale, as in case of executors and administrators, unless special leave be granted by the court to make other disposition thereof; and such guardian shall be liable to have the authority revoked, and to account to his successor, or to the minor on his coming of age, or to the lunatic on recovering his reason, or to the heirs, devisees, or other legal representatives of such mi-

Legacies to  
subscribing  
witnesses void

Noncupative  
wills over \$50  
void unless  
proven by two  
witnesses and  
heirs, &c. be  
summoned.

Exception

Will may be  
contested  
within 7 y'rs.

Guardian  
may dispose  
of personal  
estate of his  
ward.

Guardian's  
authority  
may be revoked.



nor, lunatic, or idiot, in like manner, as is provided in the case of executors and administrators, and may by complaint in the circuit court, enforce any and all persons interested therein, on the determination of his trust, to account and settle with him concerning the same.

Court may permit guardian to sell real estate.

SEC. 38. That the probate court, upon the application of any guardian, who may be appointed under the provisions of this act, praying for the sale of any real estate of his ward, if it appears upon such application, that the sale is necessary or proper, either on account of the education, or sustenance of the ward, that the same is sustaining injury, that it is encumbered by a lien, held by an equitable title, upon which the purchase money in part thereof is unpaid, or that it is evidently for the interest of the estate, that it should be sold,—the court shall decree the sale of such real estate, or part thereof; and upon such terms, as they deem most advisable, for the interest of the ward; and after the confirmation of any sale, made under the above provisions, by the court, as in case of sales made by executors or administrators, the conveyance shall be made.

Real estate to be first valued, and guardian shall give bond.

SEC. 39. That before any sale be decreed, under the above provisions, of any real estate, such estate shall be valued by three disinterested freeholders to be appointed by the court, made upon their oath, and returned into the court; and the guardian shall likewise give bond with good freehold security, to be approved by such court, in the penalty of double the value of such estate, and conditioned that said guardian shall faithfully apply the monies arising from the sales of such estate, under the direction of said court, and account therefor as may be required according to law.

Condition.

Guard'n may enter on real estate if there be no heir present.

SEC. 40. That the executor or administrator, if there be no heir or devisee present to take possession, may enter upon the real estate of the testator or intestate as trustee for such heir or devisee, take the rents and profits, and account therefor, either in the payment of the debts of the testator or intestate, or to such heir or devisee, when he shall claim the same, or as is herein before provided, by payment into the state treasury.

Bonds of executors adm'r's & guardians, how payable.

SEC. 41. That the official bonds of executors, administrators and guardians, under the provisions of this act, shall be made payable to the state of Indiana; and a violation of any duty required by law, of any executor, administrator or guardian, shall be deemed a violation of the condition of his bond, and render him and his securities liable thereon to the party injured, for the damages sustained; and one recovery shall not extinguish such bond, but recovery thereon may be had, as often as cause of action against such executor, administrator or guardian accrues,

Breach of bond what.

One recovery no extinguishment.

either by action of debt or covenant upon the bond, or by scire facias upon the first judgment obtained thereon; said suits to be in the name of the state, and if for the use of any person or persons besides the state, in the name of the state, on the relation of such person or persons.

SEC. 42. That in cases, whereby the defect or absence of heirs or devisees under this act, the monies remaining after the settlement of an estate, ought to come into the state treasury, unless the executor or administrator shall pay the same within ninety days after the year elapsed, or time allowed for such settlement, the auditor of public accounts shall cause suit to be commenced against such executor or administrator and his sureties, on their bond, for such default; and the monies aforesaid, when collected, shall be deposited with the treasurer as aforesaid: and in order that information of the situation of such estates be made known to said auditor, the clerks of the several probate courts shall transmit to him, within thirty days after the time allowed for the settlement of the estates of testators or intestates has elapsed, such account as he may be able to furnish, of and concerning the estates of persons deceased without heirs, or the heirs of which are absent as aforesaid.

Suit to be brought by auditor where money remains in adm'r's hands for want of heirs.

Clerks of P. courts to furnish auditor with statements, &c.

SEC. 43. That the several probate courts, shall have discretion to allow to executors, administrators and guardians, their lawful disbursements, on account of the trusts vested in them; and also a reasonable compensation for their services to be ascertained by estimation of the particulars of the services rendered, to be given in under oath of the truth and correctness thereof.

Compensation to adm'r's &c.

SEC. 44. Whenever any person or persons interested, shall deem himself, herself or themselves, aggrieved by any of the proceedings of any executor or administrator, he, she or they may, at any stage of such proceedings, institute a suit upon the bond given by such executor or administrator, in chancery, for enquiry into any such proceedings, and have decree or judgment thereon, according to rights and equity.

Suit in chancery may be brought at any time vs. adm'r.

SEC. 45. That the said probate court, shall have full power and authority, where letters of administration or guardianship shall have been granted upon insufficient security, to order and direct all such guardians or administrators, to give such further or other security, to the state of Indiana, by bonds, in the usual form, as the said court, after hearing the objection of creditors, or persons concerned, shall approve of; and if it appears, on examination, that any administrator or guardian hath embezzled, wasted or misapplied, all or any part of the decedent's estate, or shall neglect or refuse to give bonds, with sure-

Adm'r's and guardians to give further security, if necessary.



Or court shall  
revoke their  
authority.

ties, as aforesaid, or the security taken shall have been insufficient, then, and in every such case, the said court shall, forthwith, by sentence, revoke or repeal the letters of administration or guardianship; and thereupon the probate judge shall grant letters of administration or guardianship, to such person or persons, having right thereunto, as will give bonds in manner and form aforesaid, who may have actions of trover, detinue, or on the case, for such goods and chattels, as came to the possession of the former administrators or guardians, and shall be detained, wasted, embezzled, withheld or misapplied by any of them, and no satisfaction made for the same.

Executrix  
married, or a-  
bout to marry  
may be com-  
pelled to se-  
cure the mi-  
nor's portion.

SEC. 46. That when any complaint is made to the judge of the probate court, that an executrix, having a minor or minors of her own, or being concerned for others, is married, or like to be espoused to another husband, without securing the minors' portions or estates, or that an executor, guardian or other person having the care and trust of minors' estates, is likely to prove insolvent, or shall refuse or neglect to exhibit perfect inventories, or give full and just accounts of the said estates, come to their hands or knowledge, then, and in every such case, the judge is hereby required, forthwith, to cause to issue summons to such person or persons, to appear at the next term of said court; at which court he shall order and direct all and every such executrix, executor, guardian or trustee to give security to the orphans or minors, by mortgage or bonds, in such sums and with such securities as the court shall think reasonable, conditioned for the performance of their respective trusts, and for the true payment or delivery, to and for the use and behoof of such orphan or orphans, as they are concerned for, or such as shall legally represent them, the legacies, portions, shares and dividends of estates, real and personal, belonging to such orphans or minors, so far as have assets, also for their maintainance and education, as the said court shall judge fit, for the benefit and best advantage of such orphans.

P. courts shall  
enforce spee-  
dy settle-  
ments.

SEC. 47. It is hereby made the positive duty of the probate courts, to compel by citation and attachment, the representatives of all decedents' estates pending, to appear at proper times, and file their inventories and accounts under oath and make settlement and distribution, without any delay not absolutely necessary.

Adm'r or guar-  
dian may  
be compelled  
to render ac-  
count to the  
surety.

SEC. 48. That where the surety in any bond, given by an administrator or guardian, for the faithful execution of his office, shall discover or believe, that such administrator or guardian, is wasting or mismanaging the estate, whereby the said surety may come to loss or damage, the said probate court, upon application of such surety, and upon sufficient reason therefor, may order and direct

every such administrator or guardian, to render an account of his or her administration or guardianship, to such surety; and if it shall appear that such administrator or guardian has embezzled, wasted, misapplied or mismanaged the estate, in every such case, the said court may direct the said administrator or guardian, to give separate security, to his or her surety, for the true payment of the balance remaining in his or her hands, to creditors, representatives, or the ward of such guardian, and on neglect or refusal, it shall be lawful for the said court, to revoke the letters of administration or guardianship, and grant the same to such person or persons, having right thereto, as will give sufficient bonds, in the usual form; and in such case it shall be the duty of the said newly appointed administrator or guardian, immediately to bring an action on the case, against such removed administrator or guardian, and hold him or her to bail, and in such action, to recover the amount of all monies, assets, rents, issues and profits, received by such removed administrator or guardian, and not applied according to law, as well as all damages done or committed by such administrator or guardian, in respect of the estate in his or her hands.

And the adm.  
may be com-  
pelled to give  
security to the  
surety.

Or be remov-  
ed.

Successor to  
bring suit vs.  
predecessor.

SEC. 49. That whenever there are two or more acting executors, guardians or administrators, the probate court shall, or may, from time to time, on application of any one or more of them, upon sufficient reasons given to the court therefor, order and direct every such executor, guardian or administrator, to account with his or her co-executor or co-executors, or administrators, guardian or guardians, for all assets which have come to the hand of such executor, guardian or administrator; and whenever the court shall judge it necessary, shall compel each guardian or administrator, to give separate security for the payment of the balance remaining in his or her hands, to wards, creditors, legatees or representatives of the testator or intestate; and on neglect or refusal in giving such account or security, it shall and may be lawful for the same court, to authorize any person interested therein, to sue for such assets in the hands of such executor or executors, administrator or administrators, guardian or guardians, so neglecting or refusing as aforesaid.

Adm'rs &c.  
may be com-  
pelled to acc't  
with the co.  
adm'r.

Court may re-  
quire separate  
security.

Any person  
may be autho-  
rized to sue  
for assets.

SEC. 50. That executors, administrators, trustees or guardians, may, by leave and direction of the probate court, put out their minor's money to interest, upon such security and for such a length of time as the said court shall allow of; and if such security, so taken, bona fide and without fraud, shall happen to prove insufficient, it shall be the minors loss; and it shall be the duty of executors, administrators, trustees and guardians, in cases where the minors' estates, may be materially benefitted thereby,

Court may  
permit adm'r.  
&c. to loan  
money.

Adm'rs &c.  
liable to int.  
if they do not  
apply for  
leave to loan  
money.



to make application to the probate court for such leave and discretion, and in case they shall neglect so to do, they shall be accountable for the interest that might have been made thereby; but if no persons who may be willing to take the said money at interest, giving such security, can be found by said executors, administrators, trustees or guardians, nor by any other friend or friends of such minors, then the said executor, administrator, trustees or guardians, shall, in such cases, be accountable for the principal money only, until it can be put out at interest, as aforesaid: *Provided nevertheless*, That in any case where executors, administrators, trustees or guardians shall make use of money of minors, which shall come to their hands, they shall be accountable, not only for the principal, but for the interest thereon.

Adm'rs &c.  
using minor's  
money liable  
to interest.

P. court shall  
upon applica-  
tion appoint  
com'r to make  
partition be-  
tween heirs  
any one of  
whom is a mi-  
ner.

SEC. 51. That where any person hath died, or shall die intestate, seized in fee simple, of any lands, tenements or hereditaments, leaving two or more children, or other heirs, any of whom being under twenty-one years of age, the probate court of the county, in which real estate is situate, upon application made by the said heirs, or any of them, or any person duly authorised in their behalf, or claiming under them or any of them, shall and may order and direct a division of such real estate to be made, in such shares and portions between them, as they may be entitled to, under the laws of this state, or any of them directing the descent of estates; the metes and bounds of each child's or other heir's share, to be ascertained by three disinterested commissioners, to be appointed by the court, whose report or the report of any two of them, made in writing, under their hands, to the next or any subsequent probate court, after such division shall have been made and approved of by the court, shall be recorded in the records of said court, and be conclusive to all parties concerned.

Lands of devisees to be divided by commissioners by order of P. court.

SEC. 52. That where any person hath died, or shall die, seized of any lands, tenements or hereditaments, leaving a legal will and testament, devising his or her real estate, to two or more devisees, and not ascertaining the metes and bounds of each devisees share, any of whom being under the age of twenty-one years, entitled to the share, or a part of a share of such devisee so dying, and no division shall have been made among the said devisees, the said probate court, upon application made by any of the devisees, or any claiming under them or any of them, or duly authorised by them or any of them, shall and may order and direct a division of such real estate to be made, agreeably to the true intent and meaning of the said last will and testament; the metes and bounds of each devisee's share, to be ascertained by three disinterested

persons, commissioners to be appointed by the court, whose report or the report of any two of them, made in writing, under their hands, to the next or any subsequent court after such division made, and approved of by the court, shall be recorded in the records of the court, and be conclusive to all parties concerned.

SEC. 53. That where any person hath died, or shall die, intestate, seized, in fee simple, of any lands, tenements or hereditaments, situate in two or more counties, leaving two or more heirs, any of whom being under the age of twenty-one years, the probate judge of either county, on application made by the said heirs or any of them, or by any person duly authorised, in their behalf, or claiming under them, or any of them, shall and may order and direct a division of such real estate to be made, in such shares and proportions between them, as they may be entitled to, under the laws of this state, or any of them, directing the descents of real estate; the metes and bounds of each child's or other heirs share, to be ascertained by three disinterested persons, commissioners, to be appointed by the court, whose report, or the report of any two of them, made in writing, under their hands, to the next court held after such division made, and approved by the judge, shall be conclusive to all parties concerned, and shall be recorded in the probate court of each of the counties where the lands lie.

Lands of minors in two or more counties how divided.

SEC. 54. That where any person hath died, or shall die, seized of any lands, tenements or hereditaments, leaving a legal will and testament, devising real estate to two or more heirs, situate in two or more counties, and not ascertaining the metes and bounds of each devisee's share, any of whom being under twenty-one years of age, and their shares remaining undivided, or any such devisee shall die, leaving any heir under the age of twenty-one years, entitled to the share or part of the share of such devisee so dying, and no division shall have been made among the said devisees, upon application made by the said devisees, or any of them, or any person claiming under them, or any of them, duly authorised by them, the said judge, shall and may order and direct, a division to be made by three disinterested persons, commissioners, appointed by the judge; and the proceedings [shall be] in like manner in all respects as is prescribed in the foregoing section and shall have the same force and effect.

Lands of devisees lying in two or more counties, how divided.

SEC. 55. That the person appointed by the judge of the probate court, to make partition in any of the cases aforesaid shall before they enter upon the duties of their appointment, take an oath or affirmation, to make a fair and just partition of such real estate, without partiality, favor or affection; which oath or affirmation, may be adminis-

Duties of com'rs appointed to make partition.



tered by any judge, or justice of the peace, of the county or counties, in which the said real estate is situated: That on a division made, in any of the cases aforesaid, if any devisee or heir as aforesaid, or any person claiming under him or her, hath, after the death of the testator or intestate, and before the division, cut off or made use of any timber, or committed any waste or destruction on the premises, the commissioner appointed to make the division, shall estimate the damage done by such heir or devisee, or person claiming under him or her, and divide the premises, so that such heir or devisee, shall be charged with said damage, and have a share proportionably less in value, than the other heirs or devisees, who have done no waste or damage.

Damage by waste how estimated.

Upon an execution vs. an admr &c. remaining unsatisfied pl'tff may have ex. against real estate in any county—and how.

Heirs and devisees to be made parties.

Defendant to be notified.

Non-age of heirs not to suspend ex.

Form of letters testamentary.

SEC. 56. When any judgment shall be obtained against an executor or administrator, to be levied of the goods and chattels of the deceased, and execution issued thereon, shall remain unsatisfied, in whole or part, for want of personal estate, and there is real estate in the state of Indiana, it shall be lawful for the plaintiff in such judgment, to file in the proper court, where such judgment is obtained, a petition against the executor or administrator and heirs and devisees, if any, of the deceased, setting forth the facts of the judgment, and the want of personal property, and that there is real estate in the state of Indiana, describing the same, and setting forth in what county or counties such real estate is situate and lies, and praying said court to award the proper writ or writs of execution against the same; and the clerk of such court, shall upon filing such petition, notify the persons against whom it is filed, of the pendency thereof, requiring them to appear on the first day of the next term of said court, and shew cause if any they can, why the proper writ or writs of execution shall not be awarded; which said notice shall be given to residents by summons, served by the proper officer, and to non residents, by publishing the same in the nearest newspaper, for four weeks successively.

And if summons shall be served on residents ten days before the sitting of the court, and be published as aforesaid, as to non-residents, the court shall at the first term, award the proper writ or writs of execution, directed to the proper officer of the proper county, unless good cause to the contrary be shewn; and the non-age of heirs or devisees, shall not in any case, be good cause to suspend execution.

SEC. 57. That the clerk, upon order of the probate judge, during the term of court, shall issue letters testamentary in the following form, under the seal of said court, and enter the same upon the records of said court:

I clerk of the probate court of the county of do certify the annexed

to be a true copy of the last will and testament of late of the county of

deceased, and that the executor therein named, proved the same before the probate court, and are duly authorized to take upon themselves the administration of the estate of the testator agreeable to the said will. Witness my hand, and seal of office, the day of in the year of our Lord one thousand eight hundred and . And upon order of the probate judge as above, the said clerk shall issue letters of administration in the following form:

I clerk of the county of do certify, that on the day of administration of the goods and chattels, rights and credits, which were of late of the county of who died intestate, was granted by order of the probate judge of said county, and the said is duly authorized to administer the same according to law. Witness my hand, and seal of office, the day of in the year of our Lord, &c.

Form of letters of administration.

SEC. 58. Letters testamentary, of administration and of guardianship, and all process issuing from the court, shall be tested in the name of the judge, and signed by the clerk with the seal of the court thereto affixed. Process, how tested.

SEC. 59. The probate courts hereby organized, shall hold their terms in each county, on the first Mondays in January, March, May, July, September and November, in each year, and shall sit three days at each term, if the business require it: *Provided*, That if either of the above days shall fall within the time prescribed by law for holding the circuit court in any of the counties of this state, the probate court, in such cases, shall be held on the Monday succeeding the term of the circuit court so interfering.

Terms of court.

SEC. 60. The election of any attorney and counsellor at law, to the office of judge of the probate court, shall not deprive such attorney and counsellor at law, of the right to practice in his profession, in any court of law and equity in this state, except in the probate courts, and in cases in the superior courts which originated in any of the probate courts.

Att'ys at law elected judges of P. court, how prohibited from practice.

SEC. 61. The judges of the several courts of probate, shall receive as a compensation for their services, the sum of three dollars per day, for the time necessarily employed in the discharge of their several duties, to be paid out of the state treasury, which shall be audited by the auditor of public accounts, and paid by the treasurer of state, semi-annually upon such judge or his agent producing the auditor the certificate of the clerk of the proper county, stating the number of days he served as judge of the probate court. Judges compensation. Paid out of state treasury.



P. judges may solemnize marriages.

SEC. 62. That the probate judges be, and they are hereby authorized to solemnize marriages.

Repeal.

SEC. 63. All act and parts of acts, coming within the purview of this act, be and the same are hereby repealed; and that no letters of administration, or letters testamentary, by the clerk during vacation, shall hereafter be issued.

Act when to take effect.

Suits now pending to progress in same courts to final judgment.

P. business to be transacted as now, till P. judge is elected.

That this act shall take effect and be in force from and after the first day of August next; but that all suits, pleas, complaints, bills in chancery, petitions and proceedings, which may then be pending in any of the circuit courts, in any way in relation to decedents estates, or last wills and testaments, shall progress to final judgment in such circuit courts, as though this act had never passed, and all probate business, shall continue to be done and transacted, as it now is, in the several counties, until the probate judge is elected, commissioned, and sworn into office, and ready to act.

## CHAPTER XXVII.

An act to amend an act entitled "an act amendatory of the law and for the better advancement of justice," approved January 20, 1826.

[APPROVED, DECEMBER 26, 1828.]

Adm'r. may be guardian.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That it shall hereafter be lawful for the courts having competent jurisdiction, to appoint the administrator or administratrix of any decedent's estate, guardian of the minor heirs of such decedent, after a final settlement of said estate, any thing in the twenty-third section of the act to which this is an amendment to the contrary notwithstanding.

When adm'r. shall settle with C. court.

SEC. 2. That it shall be lawful for any associate judge, who now is, or may hereafter be an executor or administrator, to make settlement of the estate of his testator or intestate, with the circuit court of his proper county; and the circuit court before whom such settlement is made, shall make a record thereof in the record book of the probate court of such county.

## CHAPTER XXVIII.

An act to authorize William Richards, administrator of the estate of Gabriel Richards, deceased, to act as guardian of the minor heirs of said Gabriel Richards deceased.

[APPROVED, DECEMBER 19, 1828.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That William Richards of Washington county, administrator of the estate of Gabriel Richards, late of Jackson county deceased, be, and he is hereby authorized, to act as guardian of the minor heirs of the said Gabriel Richards deceased, upon giving bond and security to the satisfaction of the circuit court, or court of probate for Jackson county.

This act to take effect and be in force from and after its passage.

## CHAPTER XXIX.

An act to amend an act, entitled "an act relative to Crime and Punishment."

[APPROVED, JANUARY 17, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That if any person, or persons, shall falsely make, deface, destroy, alter, forge, or counterfeit, or cause or procure to be falsely made, defaced, destroyed, altered, forged, or counterfeited, or willingly assist in falsely making, defacing, destroying, altering or counterfeiting, any order or draft for the payment of money or property, or any written contract of any nature or kind whatsoever, or any other instrument in writing whatever, with an intent to defraud any person or persons, body politic or corporate whatsoever, or shall utter or publish, as true, any false, defaced, altered, forged, or counterfeited order, or draft, for the payment of money, or property, or any other written contract of any nature or kind whatever, or any other instrument in writing, knowing the same to be false, defaced, altered, forged, or counterfeited, with intent to defraud any person or persons, body politic or corporate, every person, being thereof lawfully convicted, shall be deemed guilty of forgery, and be imprisoned at hard labour in the state's prison, not less than two, nor more than fourteen years, and be fined not exceeding one thousand dollars; and in cases of prosecutions under this act, or the act to which this is an amendment, the person, whose name may be forged or counterfeited, shall be a competent witness: *Provided however*, That this act shall not be

W. H. Richards appointed guardian of the heirs of G. Richards dec. Bond.

Punishment.

Person whose name is forg'd a competent witness.



- Proviso.** construed to repeal, or in any way affect, the fifteenth section of the act, to which this is an amendment; but this section of this act, shall be considered, as a supplement to the aforesaid fifteenth section.
- Proviso to 30th sec. repealed.** SEC. 2. That the proviso to the eightieth section of the act to which this is an amendment, be, and the same is hereby repealed.
- Arson.** SEC. 3. That each and every person, or persons, who shall maliciously burn any court house, jail, market house, or other public building whatever, shall be deemed guilty of arson, and shall suffer the same punishment and penalties, as are prescribed for the punishment of said offence in the twentieth section of the act, to which this is an amendment.
- Punishment.** SEC. 4. That each and every person, who shall feloniously steal, take, carry, lead, or drive away, any of the personal goods of another, to the value of five dollars or upwards, shall be deemed guilty of grand larceny; and upon conviction thereof, shall be fined not exceeding double the value of the goods stolen, and be imprisoned at hard labour in the state's prison, not less than two, nor more than fourteen years, and be also disfranchised, and rendered incapable of holding any office of trust or profit, for such length of time, as the jury trying the same may determine; and each, and any person, who shall feloniously steal, take, carry, lead, or drive away, any of the personal goods of another, under the value of five dollars, shall be deemed guilty of petit larceny, and upon conviction thereof, if the offender be a male, shall be fined and imprisoned in the state's prison or in the county jail, at the discretion of the jury, and disfranchised and rendered incapable of holding any office of trust and profit, for such length of time, as the jury trying the same may determine; *Provided*, That such imprisonment in the state's prison for petit larceny aforesaid shall not be less than one year, and upon a second conviction in any of the courts in this state, of petit larceny, shall suffer the pains and penalties of those convicted of grand larceny. And if any female shall be convicted of the crime of petit larceny, she shall, for the first offence, be imprisoned in the county jail of the county, not exceeding sixty days, and rendered incompetent as a witness, in any court of justice, for such length of time, as the jury trying the same may determine; and upon a second conviction, shall be liable to the pains and penalties of those convicted of grand larceny. And each and every person, who shall buy, conceal, or receive any stolen goods and chattels, knowing the same to be stolen, with intent to defraud the owner, upon conviction thereof, shall be punished, as those are punished who are principally guilty. And each, and every person, who shall agree to, and
- Grand larceny.**
- Punishment.**
- Petit larceny.**
- Punishment of a male.**
- Proviso.**
- If a female.**
- For second offence.**
- Concealing stolen goods.**

- actually compound for any stolen goods, shall, upon conviction thereof, be fined in double the value of such goods. That the sixth section of the act, to which this is an amendment, be and the same is hereby repealed; *Provided*, That such repeal shall not affect any act done, or penalty, forfeiture or crime incurred or committed, previous to the taking effect of this act, in violation of the provisions of said section; but the same shall be prosecuted and punished in like manner, as though said section, hereby repealed, had remained in full force and effect; and females, when convicted and sentenced to hard labour in the state's prison, shall be, by the keeper and officers of said prison, kept separate and apart from the male prisoners.
- SEC. 5. Hereafter no conviction and sentence of any person to hard labour in the state's prison, for any crime committed after the taking effect of this act, shall be for a less period than two years, unless in the cases of petit larceny herein before provided for.
- SEC. 6. On the trial of all offences in this act, and the act to which this is an amendment, it shall be lawful for a defendant, or the court, as the case may be, to require a juror to answer, on oath or affirmation, whether he has formed or expressed an opinion relative to the guilt or innocence of the person or persons accused; and from the answer or answers to the above question, and to such other questions, as may be permitted to be asked, the court shall judge of the competency of the juror.
- SEC. 7. Whenever a writ of attachment shall be issued for the body of any person or persons, returnable to any future day, it shall be lawful for the officer, executing such writ of attachment, to take the recognizance of the person or persons so attached, together with one or more sufficient securities, which securities must be freeholders, in such sum as the court awarding such writ of attachment, may order and direct, conditioned that the person or persons so attached, shall and will appear at the time and place required by such writ, and then answer to what may be alleged in the premises against him or them, and not depart without leave of the court; which said recognizance shall be, by such officers, filed in the court from which such writ of attachment issued, together with the writ; and the recognizance shall have all the force and effect of a recognizance taken by a court of record.
- SEC. 8. Every person, who shall intentionally deface or destroy any mile post, sign or guide board put up by the commissioners or supervisors of the public roads and highways, or by their authority in this state, or who shall obliterate in any manner the numbers, figures or letters on such mile post, sign or guide board; and every person who shall intentionally tear down, alter, deface, obliterate or destroy
- Compounding a larceny.
- 6th sec. of crime & punishment act repealed.
- Salvo, as to crimes committed.
- Females how confined.
- Imprisonment in S. prison.
- Juror to answer on oath.
- Officer serving attachments to take recognizances.
- Defacing or destroying guide posts.



Destroying  
advertis-  
ment, &c.

any advertisement, ordinance, or law of this state or of the United States, which is now or may hereafter, be required by law to be set up in any public place, shall on conviction thereof, be deemed guilty of malicious mischief, and suffer the penalties provided in the twenty-seventh section of the act to which this is an amendment.

Perjury in  
making vol-  
untary af-  
fidavits, &c.

SEC. 9. Any person, who shall wilfully, absolutely and falsely, before any justice of the peace, or other officer authorized to administer oaths, under oath or affirmation, make any false certificate, statement or affidavit for any purpose whatever, shall be deemed guilty of perjury, and upon conviction thereof, shall receive the same punishment provided against persons guilty of perjury, in the act to which this is an amendment.

Shooting in  
highways, &c.

SEC. 10. Any person or persons shooting in, or across any street or public highway, to the annoyance of travelers, or citizens, shall be fined in any sum not exceeding three dollars, recoverable before any justice of the peace in the county, where such offence is committed, for the use of the proper county seminary.

Several indict-  
ments to be  
consolidated.

SEC. 11. All indictments for the same species of offence, found at the same term of the court, against the same person, where the punishment thereof is, or shall be, by fine only, the several circuit courts may, in their discretion, order the attorney prosecuting the pleas of the state, to consolidate, on the application of the defendant, so that such indictments may be tried at the same time by the petit jury or court.

Effecting es-  
cape of pris-  
oner.

SEC. 12. That any person, who shall effect the escape of any person lawfully imprisoned after conviction for any offence, shall suffer the same punishment, as such convict has been adjudged to suffer, and every person who shall rescue any person guilty of the commission of any infamous crime, who has been seized by a private individual or individuals, for the purpose of conveying such person before a proper officer for trial or enquiry, shall suffer the same punishment, as said person seized may be adjudged to suffer, for the offence by him committed: *Provided*, That when the escaping person, in either of the cases aforesaid, has been, or may be adjudged to suffer death, the jury who try the offender, who effected such escape, shall assess such fine as they think proper, and imprisonment at hard labor in the state's prison, for not less than two, nor more than seven years.

Rescue from  
private person

For escape  
or rescue  
death not to  
be inflicted.

## CHAPTER XXX.

An act supplementary to "an act for the relief of Insolvent Debtors," approved January 28, 1824.

[APPROVED, JANUARY 3, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That from and after the passage of this act, it shall be the duty of all insolvent debtors, who may apply for the benefit of the act, to which this is a supplement, to particularly describe all his lands and tenements, by number, metes, bounds, quantity, situation and title, and all and singular his goods, chattels, monies, credits, rights and effects, by a good, sufficient and particular description thereof; and shall, with such schedule, deliver into court all monies, bills, notes, bonds, accounts, transcripts of judgments, accounts and title papers, together with a sufficient and certain direction how to get possession of all other goods, chattels and effects set forth in such schedule. And it is hereby made the duty of all courts, judges, and officers concerned, to require such schedule and delivery as aforesaid, before they permit any insolvent debtor to take the insolvent oath or be discharged.

Insolvent's  
schedule what  
to contain.

Debtor to de-  
liver over mo-  
nies, &c.

Otherwise  
oath prohib-  
ed.

SEC. 2. *And be it further enacted*, That such schedule and delivery as aforesaid, together with the insolvent oath, shall well and truly, and to all intents and purposes whatever, vest in the trustees appointed, or which may be appointed, and to their successors and assigns forever, the right, title, interest, claim and demand, both in law and equity, of the person making such schedule, delivery and oath, to the said lands, tenements, goods, chattels, rights, monies, credits and effects mentioned and set forth in such schedule, in fee simple, clear of incumbrance, without any further conveyance, transfer, assignment or delivery whatever, any thing in the act to which this is a supplement, to the contrary notwithstanding.

Estate of the  
debtor to vest  
in the trustees

## CHAPTER XXXI.

An act to amend the act, entitled "an act to provide for the election of Electors of President and Vice President of the United States," approved, January 14, 1824.

[APPROVED, DECEMBER 18, 1828.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That so much of the first section of the act to which this is an amendment as confines voters to give their votes in their respective townships only, be and the same is hereby repealed.

Voters may  
vote in their  
counties.



Marshals  
when to deliver  
cert's to  
sec'y of state.

Repeal.

SEC. 2. That hereafter the marshals who collect the votes given for president and vice president shall deliver the certificates of the same to the secretary of state, on the Wednesday preceding the fourth Monday in November. So much of said act as comes within the purview of this act, be and the same is hereby repealed.

### CHAPTER XXXII.

An act to amend the act, entitled "an act subjecting real and personal estate to execution," approved, January 30, 1824.

[APPROVED, DECEMBER 23, 1828.]

Prisoner under  
a ca. sa.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That hereafter, when any person shall be taken in custody, by any sheriff, or other officer, by virtue of any writ of *capias ad satisfaciendum*, and shall be desirous of discharging himself, herself or themselves, by virtue of the 14th and 15th sections of the act to which this is an amendment, it shall be the duty of such officer, to take such person before some judge or justice of the peace, within the county where such writ is executed, and such judge or justice, shall have power and authority to administer the oath mentioned in the 14th and 15th sections aforesaid, in the same manner as the officer may now administer the same.

Execution  
plff to have  
notice.

SEC. 2. *Be it further enacted*, That hereafter when any person so in custody as aforesaid, shall be desirous of discharging himself, herself or themselves as aforesaid, before the oath shall be administered to him, by the judge or justice of the peace, as required by the first section of this act, it shall be the duty of the sheriff, or other officer executing such writ, to give notice to the execution plaintiff, his agent or attorney, of the time and place of taking such oath: *Provided*, Such plaintiff, his agent or attorney shall reside in said county; if the plaintiff his agent or attorney shall not reside in said county then the sheriff or other officer aforesaid, shall put up said notice in the clerk's office of the said county, in case the writ issued from a circuit or supreme court, and in case it issued from a justice of the peace, then in the office of the justice of the peace from whence the same issued.

Plaintiff may  
put questions  
to debtor.

SEC. 3. *Be it further enacted*, That the plaintiff, his agent or attorney, at the time when such oath is administered, shall have authority to propound to the prisoner, such questions respecting his property, as may be considered right and proper, by the judge or justice; and such judge or justice shall make a record of the same, and the answers

thereto made by the prisoner, which answers shall be on oath. That so much of the 14th and 15th sections of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repealed.

### CHAPTER XXXIII.

An act to incorporate the Townships in Shelby County.

[APPROVED, JANUARY 17, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the several townships that now are or may hereafter be legally organized in the county of Shelby, are hereby declared bodies politic and corporate, and by the name of their incorporation, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court having competent jurisdiction.

Townships  
in Shelby Co.  
incorporated.  
Powers.

SEC. 2. The qualified electors in said county, are hereby authorized and directed, to meet in their respective townships, at the usual places of holding elections, on the first Monday of April annually, and there proceed to elect three township trustees, a township clerk and treasurer, two overseers of the poor, two fence viewers, one or more constables, not exceeding three as the trustees may direct, and after the first election under the provisions of this act, one supervisor of highways, within and for each highway district in the township.

Township officers—when  
and how elected.

SEC. 3. At the first election held agreeably to the provisions of this act, the inspectors that now are or may be appointed in said county, shall conduct the elections, in the same manner as is now provided for conducting county or township elections. He shall cause certificates of elections to be made out, signed by himself and the judges of such elections, and attested by the clerks, and shall deliver the same to the constable of the proper township, who shall within three days, deliver the same to the persons elected as aforesaid, and the person so elected, shall within ten days after receiving said certificates, appear before some person authorized to administer the same, and there take the oath prescribed by the fourth section of this act.

First election  
Certificates of  
election.

SEC. 4. All officers elected pursuant to the provisions of this act, shall possess the qualification of electors at state and county elections; they shall receive each a certificate of their election, and shall within ten days appear before the township clerk, and take an oath or affirmation, faithfully and impartially to discharge the duties of their office according to law, which oath the clerk is hereby au-

Oath & qualifications of  
officers.



thorized to administer, and he shall endorse said oath or affirmation on the back of the certificate of election, and shall record the certificate and oath or affirmation, in a separate book, to be provided for that purpose: *Provided however*, That the clerk shall appear before some justice of the peace for the proper township, within three days after his election, and take the oath or affirmation prescribed by this section; which oath or affirmation shall be endorsed and recorded in like manner as herein provided.

**Term of office.** SEC. 5. The officers elected agreeably to the provisions of this act, shall severally hold their offices one year, and until their successors are chosen and qualified: *Provided however*, That the township clerk, shall hold his office two years, and until his successor is chosen and qualified;—And the officers elected as aforesaid shall before entering on the duties enjoined on them by this act, take the oath prescribed in the foregoing section.—The township treasurer, and constable or constables, shall before entering on their respective duties, severally give bond with security, to be approved of by the township trustees, in the sum of five hundred dollars, conditioned for the faithful discharge of the duties enjoined by this act; which bond shall be made payable to the township trustees.

**Township trustees; their powers and duties.** SEC. 6. The township trustees, shall meet at the usual place of holding elections, (or as near thereto as shall be convenient) on the third Monday of April and October, annually, to transact the business of the township.—They shall at their first meeting divide the townships into a sufficient number of road districts, by range, township, county, sections, or half section lines, and shall number the same in regular numerical order, and shall at their first meeting aforesaid, appoint a suitable person in each district aforesaid, as supervisor of highways, who shall continue in office until their successors are elected and qualified, and shall be governed as supervisors are in other cases: *Provided*, That said trustees may at any subsequent meeting, alter the lines of old, or form new road districts, and shall determine the place of holding all elections.

**Trustees, their further duties.** SEC. 7. It shall be the duty of the trustees, to superintend, take charge of, and transact all the pecuniary concerns of the township, settle and audit the accounts of overseers of the poor; and they shall have a general superintendence of roads and highways, within their respective townships, see that supervisors perform their duty in due season, and prosecute them for neglecting to discharge any of the duties enjoined on them by law. They shall have power to alter or change any county or township road, agreeably to the provisions of the seventeenth section of this act, and to establish cartways according to law.

**Township tax** SEC. 8. On the objects of county revenue, the trustees

may pass and direct the collection of such taxes as may be necessary, to defray the necessary expenses of the township.—They shall appoint one of the constables, township collector, who shall give additional bond to the treasurer, in such sum as the trustees may require: *Provided however*, That in no case said assessment shall exceed half the amount of county tax.

SEC. 9. The trustees elected as aforesaid, shall be judges of all elections held within their respective townships,—shall appoint for the time being some suitable person, who, together with the township clerk, shall act as clerk at township elections.

SEC. 10. The trustees shall fill all vacancies that may be occasioned by death, or the removal of any of the officers named in this act; and the persons so appointed shall receive the same certificate, give the same bond, and take the same oath, as is required in other cases.

SEC. 11. It shall be the duty of the township clerk, to give notice of all elections held under the provisions of this act, by setting up three manuscript advertisements, in three of the most public places in the township, at least fifteen days previous thereto;—he shall attend and act as clerk at all elections, and shall provide duplicate poll books, and tally papers, and the necessary blank certificates, agreeably to the forms furnished by the clerk of the circuit court, and shall provide a sufficient number of blank certificates of elections, to be filled up and signed on the day of election, as provided in the fourth section of this act.

SEC. 12. The clerk shall attend all the meetings of the trustees, and keep a fair and correct record of their proceedings, in a well bound book to be provided for that purpose by the trustees;—he shall record all private roads and cartways, established by the trustees, and also all changes of county or township roads, which said trustees shall make, agreeably to the provisions of the seventeenth section of this act.

SEC. 13. The township clerk, shall be assessor of state and county revenue, and shall enter into such bond as the county commissioners may require, and shall be governed in all cases by the laws regulating the assessing and collecting revenue: *Provided however*, That the assessment roll shall be completed on or before the third Monday of April, at which time he shall lay the same before the trustees for the inspection of all persons concerned; and the trustees shall direct the clerk, to correct all errors which may be discovered in said assessment roll.—The clerk shall make out duplicate lists of the township assessment, and shall deliver one to the township treasurer, and the other to the township collector, within ten days after the meeting in

Collector.

Elections.

Vacancies.

Clerk's duties as to elections.

Clerk's further duties, as to roads, records, &amp;c.

Clerk's further duties, as to revenue, &amp;c. Assessment.



April; he shall take from the treasurer a receipt for said assessment list, which shall specify the amount thereof, which receipt he shall carefully preserve.

SEC. 14. The clerk shall carefully preserve all books and papers belonging to the township, and shall deliver the same to his successor. He shall, for assessing the state and county revenue, receive such compensation as the county commissioners may deem just and reasonable, to be paid out of the county treasury; and for keeping the township records, he shall receive such compensation as the trustees may deem just and reasonable, to be paid out of the township treasury; and for his services as clerk of elections, he shall be exempt from working on public roads and highways.

SEC. 15. It shall be the duty of the treasurer, to receive all monies belonging to the township, and pay the same over on the order of the trustees, attested by the clerk. He shall produce his books and vouchers, and settle with the trustees, at their meeting on the third Monday of April; and it is hereby made his duty, to prosecute on the township collectors bond, for failing to collect and pay over any monies required of them by this act. He shall deliver all monies, books and papers to his successor, and shall receive such compensation as the trustees may deem reasonable, to be paid or allowed by said trustees.

SEC. 16. The township collector, shall collect and pay into the township treasury, the amount of tax charged in the duplicate; for which purpose he shall call at the usual places of residence of each person chargeable with a township tax, on or before the first day of December annually; after which he may proceed to make the amount which may still remain due, by distress and sale of the personal goods and chattels of the delinquent, giving ten days notice of every such sale, by setting up manuscript advertisements, in three of the most public places in the township, returning the overplus if any to the owners: *Provided however, That the treasurer, may at their meeting in October, discharge said collector from the collection of assessments, upon such person as may be found unable to pay, or such as may have removed from the township; and the trustees shall make the collector such allowance for collecting, as to them may appear just and reasonable.*

SEC. 17. Any person or persons, who shall be desirous to change any township or county road, through his, her, or their lands, shall notify the trustees of his township, who shall proceed to view the ground on which it is proposed to change said road; and if in the opinion of the trustees, the proposed change will not be materially injurious to the public, they may authorize the applicant or applicants, to change the same at his or their own ex-

Clerk's further duties.

Compensation.

Treasurer's duties.

Collector's duties.

Coll's compensation.

Change of road.

pense, and the trustees shall direct the clerk to record the same: *Provided however, That the person or persons, desirous of making such change, shall in all cases, give at least ten days previous notice of his application, by setting up written notices, in three of the most public places in the township. At the time and place of meeting, the trustees shall be entitled to receive, from such applicant or applicants, the sum of seventy-five cents per day, for the time employed in the duty by this section.*

SEC. 18. All officers elected or appointed, agreeably to the provisions of this act, shall in all respects be governed by the laws now in force regulating county or township officers, except as is herein expressly provided. The trustees shall each receive fifty cents, per day, for attending the regular semi-annual meetings, and for their services as judges of elections, they shall be exempt from working on roads and highways.

SEC. 19. Any person elected or appointed under the provisions of this act, who shall neglect or refuse to serve, shall forfeit and pay to and for the use of the township, the sum of three dollars, together with costs, to be recovered in an action of debt, before any justice of the peace of the proper township, and the clerk is hereby required, to demand, receive or sue for the same, in the name of the township, and shall pay the same into the township treasury whenever collected: *Provided, That no person shall be compelled to serve more than two years in succession.*

SEC. 20. Any person accepting of any office under the provisions of this act, who shall neglect or refuse to discharge the duties required of them by law, shall be fined in any sum not exceeding thirty dollars, at the discretion of the circuit court, to be recovered by prement or indictment.

SEC. 21. That all laws or parts of laws now in force, coming within the purview and meaning of this act, so far as may be applicable to the county of Shelby, be and the same are hereby repealed.

SEC. 22. *Be it further enacted, That hereafter whenever the majority of the citizens of any township in the county of Crawford, shall deem it expedient, they are hereby authorized to become incorporated under the provisions of this act, whose duty it shall be to furnish the clerk of the circuit court with a copy of their proceedings, who shall record the same.*

This act to take effect and be in force from and after the second Monday of March next.

Compensation to trustees.

Penalty for not acting.

Clerk to sue.

Proviso.

Penalty for neglect of duty.

Repeal.

Crawford co. may incorporate.



## CHAPTER XXXIV.

An act amending the several acts to Incorporate the town of Madison.

(APPROVED, JANUARY 2, 1829.)

**Sec. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That from and after the first day of May next, it shall not be lawful for any person or persons, within the bounds of the corporation of the town of Madison, to retail by less quantities than one quart, any spiritous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board doing business, obtain a license from the trustees of the town, who are hereby authorized to grant the same to such applicant, for any term, not exceeding twelve months, on his, her or their paying into the treasury of the corporation, a sum not exceeding fifty nor less than five dollars, at the discretion of the trustees. And if any person or persons, shall sell any spiritous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they, so offending, shall upon conviction thereof by presentment or indictment, in any court having competent jurisdiction, be fined in a sum not more than one hundred, nor less than ten dollars, for the use of the county seminary.

**Sec. 2.** That for the better regulation, peace and good government of the town, the trustees are hereby authorized to pass laws for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society, not inconsistent with the constitution and laws of the United States or of this state. And for the purpose of carrying the provisions of this act into effect, the trustees are hereby authorized to appoint a marshal for that purpose, who shall take an oath of office and who shall be a peace officer.

**Sec. 3.** That whenever the owners of lots on any street, or section of street, shall be desirous of making any improvement on the same by graduating, gravelling or paving said street or side walks thereof, or any other improvement; and two thirds of the owners of lots on said street or section of street, by themselves or agents, representing two thirds of the number of feet on each side of said street or section of street, shall by petition plainly and distinctly set forth the improvement contemplated or wanted to be made, the trustees shall have power to cause the same to be done in the best and most economical manner, and to assess and levy the expense of the same equally on the lots fronting on said street, or section of street, whereon said improvement may be made; and

Retailing liquor restrained.

License from trustees.

Tax on license.

Penalty.

Trustees may pass laws.

Appoint a marshal.

Improve streets.

Assess a tax.

the said levy or assessment, from the time of making and recording the same on the records of the corporation, (in which record the number of feet fronting on said street, the owner's name, if known, together with the amount so levied or assessed, shall be plainly recorded) shall be and remain a lien upon said lot or part of a lot, until the amount so levied or assessed, shall be fully paid and discharged. And if the owner or agent of any lot, or part of lot, shall neglect or refuse to pay the amount so levied or assessed, within three months after such levy, it shall be the duty of the collector to proceed to collect the same by sale of the lot, or part of a lot, or so much thereof as will pay the amount so levied; and in such sale, he shall in all respects be governed by the law to which this is an amendment; and the right of redemption shall be governed in all respects by the same law.

This act to take effect, and be in force from and after the first day of May next.

Lots may be sold to discharge tax.

Redemption.

## CHAPTER XXXV.

An act to incorporate the town of Washington, in the county of Daviess.

[APPROVED, JANUARY 19, 1829.]

**Sec. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That the qualified voters of the town of Washington in the county of Daviess, shall meet at the court house in the town of Washington, on the first Monday of April next, and proceed, under the directions of the sheriff of said county, whose duty it is hereby made to hold said election, to elect by ballot, seven trustees, who shall be called the board of trustees of the town of Washington, a majority of whom shall form a quorum, and continue in office until the first Monday in April eighteen hundred and thirty, and until their successors are chosen and qualified, which said trustees and their successors in office, shall be and are hereby created a corporation and body politic, by the name and style of the trustees of the town of Washington; and by that name, shall be and are hereby made able and capable, both in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court in this state; to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall to said trustees seem necessary for the good government and police of said town, not inconsistent with the laws of the United States or of this state; to keep in repair, and remove any obstructions in the streets, alleys and public square in said

Trustees how elected, and when.

Body corporate. Style.

Powers.



town; to remove nuisance of every kind; to erect market houses; to sink and keep in repair public wells, and generally, to ordain, establish and put in execution such by-laws, ordinances and regulations, for the police and good government of said town, as to said trustees may seem necessary and proper.

Voters.

SEC. 2. Said incorporation shall have perpetual succession; and for that purpose every qualified voter living within the limits of said town, shall be entitled to vote for trustees; which said trustees shall be elected annually, on the first Monday of April, to hold their offices as is provided in the first section of this act; and shall have power from time to time, to fill vacancies, by appointing a successor or successors, who shall hold their office until the next annual election of trustees.

Vacancies.

Duty of Sh'ff  
of Daviess co.

SEC. 3. It shall be the duty of the sheriff of Daviess county, for the time being, to advertise in at least three of the most public places within the bounds of the corporation of said town at least ten days previous thereto, the time and place of holding such elections, and to superintend the same.

Trustee's  
oath.

SEC. 4. Previous to entering upon the duties of their office, each trustee shall take an oath, faithfully and impartially to discharge his duties, as trustee of the town of Washington; and then have full power and authority to transact any and all kinds of business that may be authorized by this act.

President of  
board and his  
duty.

SEC. 5. The trustees elected by the authority of this act, shall at their first meeting, elect one of their own body, whose duty it shall be to preside in all their deliberations: *Provided however*, That in the absence of the president, a president *pro tempore*, shall be elected, who shall perform the duties of the president for the time being.

Further duty  
of Pres't.

SEC. 6. The president of the board of trustees of the town of Washington, shall be inspector of all incorporation elections for said town; he shall take to his assistance two other qualified electors, who together with himself, shall be judges of said election or elections; and after having appointed a clerk, who, together with the judges shall take an oath or affirmation, faithfully to discharge the duties assigned them, shall proceed to receive votes between the hours of ten A. M. and four P. M. on said day of election; and the seven persons having the highest number of votes at said election, shall be declared duly elected, and in case there should be a tie, then the same shall be determined by lot, a certificate of which election shall be made out by the clerk thereof, and when signed by the inspector and judges of such election, and attested by said clerk, it shall be the duty of such clerk to file the same, together with all papers appertaining to such election, in the office

Certificate of  
election.

of the clerk of the circuit court of Daviess county, within ten days of the time of holding said election; whose duty it shall be to record the said certificate of election, in the book in which the proceedings of the board of justices are recorded: *Provided however*, That if the president of the board of trustees shall not attend at said election, the qualified electors shall proceed to elect some fit person to act as inspector, who when so elected, shall take an oath or affirmation, faithfully and impartially to discharge the duties of inspector at such election.

SEC. 7. At the first meeting of said board of trustees, they shall appoint a clerk, an assessor, collector, treasurer Officers of  
and town constable; who shall before entering upon their board.  
offices, severally take an oath or affirmation, before some Their oath  
person authorized to administer the same, faithfully and impartially to discharge the duties of their offices.

SEC. 8. It shall be the duty of the clerk of said board, Clerk.  
to keep a record of the proceedings of said board, in a book provided by said board, and shall officially attest the same. It shall be the duty of the assessor, to assess the value Assessor.  
of the lots in said town, not including the improvements thereon, and to make return thereof to said board according to such form, and at such time, as the board may direct; and upon the return of such assessment of said lots, said board shall

levy a tax thereon, at such rate as to them may seem necessary, not to exceed one half per cent. per annum on such valuation, and on no other property shall they levy a tax. The said board shall require the collector to give Tax.  
bond, with security, to the said board and their successors, in double the amount to be collected, conditioned for the faithful collection and payment to the treasurer of the board, of the taxes assessed as aforesaid, in such manner as may be directed by the board; who shall provide by ordinance, the manner of proceeding in such collection, and for the advertisement, sale, redemption and conveyance of property sold, under such provisions, not inconsistent with the revenue laws of this state. The said board shall also require the treasurer by them appointed, to give bond and security, in such sum as to said board may seem right, conditioned for the faithful performance of his office, and for the paying over of such monies in his hands, subject to the order of said board, attested by the clerk. The said board shall require the constable appointed by them, to faithfully attend to the execution of all the ordinances made by them, affecting the police and government of the town, collect all fines assessed, and to do and perform all acts necessary to carry said ordinances and regulations, made for the government of said town, into effect; and the said board shall require said constable so appointed, Constable.  
to give bond and security, for the payment of all monies

Tax.

Collector.

Further duties  
of board, as to  
sales of prop-  
erty, &c.

Treasurer.

Constable.



Compensation to officers. coming into his hands, and for the faithful performance of his duty; and said board may make such allowance to the several officers, appointed by them, as they may deem reasonable for the services rendered by such officers.

Limits of corporation. SEC. 9. The limits of the corporation, shall extend to and embrace, the plat of the town of Washington, including the out-lots, together with any addition or additions, which have been, or may hereafter be made thereto.

Statement of receipts and expenditures. SEC. 10. It shall be the duty of said board of trustees, in the months of May and November, in each year, to publish a statement of the receipts and expenditures of said corporation, to be affixed to the court house door in said town, for three weeks successively, in said months of May and November.

This act to take effect and be in force from and after its passage.

### CHAPTER XXXVI.

An act concerning the town of Fort Wayne.

[APPROVED, JANUARY 3, 1829.]

Fort Wayne when incorporated, may assess a tax of 4 per cent. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That whenever the inhabitants of the town of Fort Wayne, in the county of Allen, shall avail themselves of the provisions of the act, entitled "an act providing for the incorporation of towns," approved January 30, 1824, with the acts amendatory thereto, they shall have the power by their president and board of trustees of said town, to levy a tax on all real estate within the bounds of their corporation, not exceeding four per centum.

Boundaries. SEC. 2. *Be it further enacted,* That the boundaries of the corporation of the said town of Fort Wayne, when the same shall become incorporated, shall be, and the same are hereby permitted, to include the north fraction of the south east quarter of section two, in township thirty, of range twelve; any thing in the acts before mentioned to the contrary notwithstanding.

This act to take effect and be in force from and after its publication.

### CHAPTER XXXVII.

An act to provide for the inspection of Salt, Beef, and Flour.

(APPROVED, JANUARY 24, 1829.)

Inspectors of salt. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be lawful for the board doing

county business in any county in this state, when they think proper to do so, to appoint an inspector, who shall hold his office during the pleasure of said board, whose duty it shall be to inspect all salt in barrels, that may be offered for sale in such county, and shall brand the same on one end of the barrel, first, second or third rate, agreeably to the quality such barrel may contain; for which inspection the owner or owners of such salt, shall pay to the inspector five cents for each barrel by him so inspected. Their duty.

SEC. 2. *Be it further enacted,* That if any person or persons, in any county where such inspector may have been appointed, shall offer for sale and vend, any salt by the barrel, without being inspected and branded, as is provided by the first section of this act, he, she, or they, so offending, shall for every such offence, be fined in any sum, not less than three, nor more than twenty dollars, before any court having competent jurisdiction, by presentment or indictment, for the use of the county seminary. Compensation. Sale without inspection prohibited. Penalty.

SEC. 3. It shall further be lawful for the board doing county business, in any county in this state, when they may think proper to do so, to appoint some suitable person, as inspector of flour, beef, or pork in barrels, who shall hold his office for three years, and until a successor be appointed and qualified; and such inspector, before he enters upon the duties of his office, shall take the following oath or affirmation, before some justice of the peace, a certificate of which shall be endorsed on the certificate of his appointment—"I A. B. do swear, (or affirm as the case may be,) that I will faithfully, and impartially, according to the best of my skill and judgment, perform the duty of inspector of flour, beef and pork, according to the laws in force relative thereto." Inspector flour, beef and pork. Oath of.

SEC. 4. That each inspector of any county in this state, shall, on the application of such owner, owners or agents, of flour, beef, or pork, intended for exportation in such county, and who may wish to have the same inspected, attend and inspect the same; and for every such inspection, he shall be entitled to receive three cents for every barrel of flour, and ten cents for each barrel of beef or pork; and the said inspector shall not be entitled to receive any more than the rates aforesaid, under the penalty of fifty dollars for every such offence, to be recovered in any court having cognizance thereof, one half to the use of the person prosecuting for the same, and the other half for the use of the proper county seminary. Duty. Compensation. Extortion.

SEC. 5. That each barrel of flour, so inspected, shall contain one hundred and ninety-six pounds of flour avoirdupois; and if intended for the first quality, shall be branded by the inspector "superfine;" and each barrel intend-



ed for the second quality, shall be branded "fine;" and each barrel intended for the third quality, shall be branded "middlings;" and in addition to the aforesaid brand, each barrel shall be branded "Indiana;" and for the inspection of flour, each inspector, shall provide himself with a three quarters of an inch barrel auger, with which each barrel shall be bored into, so as to satisfy himself of the quality of the flour. Each barrel of beef or pork inspected, shall contain two hundred pounds avordupois; and the best quality of beef shall be denominated "mess beef," and be so branded; and the second quality shall be denominated and branded "prime beef;" and the best quality of pork shall be denominated and branded "mess pork," and the second quality shall be denominated and branded "prime pork;" and the third quality shall be denominated and branded "Indiana cargo pork;" and when any such flour, beef, or pork shall be found musty, sour, tainted, spoiled, or otherwise unfit for market, the same by such inspector shall be condemned.

Beef and pork  
how branded.

Damaged.

Penalty for al-  
tering brand.

SEC. 6. If any person or persons, shall alter, or erase any brand or mark of said inspectors, so placed on any barrel of salt, flour, beef or pork, he, or they, so offending shall, on conviction thereof, forfeit and pay the sum of fifty dollars for every such offence, to be recovered in any court having cognizance thereof, one half to the use of the person prosecuting for the same, and the other half to the use of the county seminary, wherein the inspection may have been marked as aforesaid.

This act to take effect, and be in force from and after its publication.

### CHAPTER XXXVIII.

An act to repeal part of the act, entitled "an act regulating the inspection of Tobacco," approved December 27, 1816.

[APPROVED, DECEMBER 19, 1828.]

Tobacco need  
not to be in-  
spected.

*Be it enacted by the General Assembly of the state of Indiana,* That so much of the act entitled, an act regulating the inspection of tobacco, approved, December 27, 1816, as subjects the growers or exporters of tobacco, to the inconvenience of having their tobacco inspected in this state, be and the same is hereby repealed.

### CHAPTER XXXIX.

An act amendatory to an act, entitled "an act regulating the jurisdiction and duties of Justices of the Peace," approved January 20, 1824.

[APPROVED, JANUARY 22, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That whenever hereafter an appeal may be taken by any claimant, to the circuit court, from a trial of the right of property, that had been taken in execution, as the property of an execution defendant, it shall be the duty of the circuit court, trying the same, to assess in favour of such execution plaintiff, as damages, five per centum on the amount of such execution, if the amount of such execution shall be less than the value of the property claimed; or in case the sum due on such execution, shall be more than the value of the property claimed, then five per centum on the value of the said property claimed, in case the court, trying the case, shall be of opinion, that the said appeal was taken for delay or vexation; and in all cases, where a trial of the right of property has been had, the decision thereon, shall be conclusive between the parties to such trial, so long as the same remains unreversed.

Appeal from  
trial of right  
of property.

Penalty when  
vexatious.

SEC. 2. The words "which judgment of the circuit court shall be final, and no writ of error, or appeal, be allowed therefrom," in the ninth section of the act, entitled "an act subjecting real and personal estate to execution," approved January 30, 1824, be, and the same is hereby repealed.

Repeal.

### CHAPTER XL.

An act in addition to an act, entitled "an act for the incorporation of County Libraries," approved January 28, 1824.

[APPROVED, JANUARY 22, 1829.]

*Be it enacted by the General Assembly of the state of Indiana,* That the president and trustees of any county library, incorporated agreeable to the act, to which this is an addition, shall in no case receive, or appropriate any part of the funds of said library for their services, or to any other person or persons for services rendered as officers of such corporation, the librarian excepted.

No compensa-  
tion to officers  
except libra-  
rian.



## CHAPTER XLI.

An act supplemental to an act, entitled "an act to incorporate County Libraries," approved January 28, 1824.

(APPROVED, JANUARY 12, 1829.)

Ten per cent. on sales of in and out lots reserved.

*Be it enacted by the General Assembly of the state of Indiana,* That ten per centum of the nett proceeds received from the sale of all in and out lots, sold by order of the boards doing county business, as the property of any county, in or adjacent to any town, being a county seat in this state, shall be reserved for the use of a county library; and be paid over, by the several county agents to the trustees of the several county libraries of their proper counties, as required by the ninth section of the act to which this is supplemental.

## CHAPTER XLII.

An act supplementary to the act, regulating the Militia of the State of Indiana.

[APPROVED, JANUARY 23, 1829.]

Fines collected from conscientious persons, how paid over.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That whenever any money, assessed and collected of persons conscientiously scrupulous of bearing arms, under the provisions of the act entitled, "an act regulating the militia," approved January 28, 1818, has remained in the hands of the person collecting said money, without having been paid over as was required in said act; it shall be the duty of such person, to pay said money over to the treasurer of state, within one hundred and fifty days after the taking effect of this act; and on his failure so to do, he shall be liable to a suit in an action of debt, in the name of the state of Indiana, for said money so collected; and the court in giving judgment for the same, shall add ten per cent. damage thereon to the state, and six per cent. allowance to the attorney prosecuting the same.

Penalty for failure.

State tr. to notify prosecutor.

Penalty ag't. coll's for omission of duty.

SEC. 2. The treasurer of state, on being informed of any such failure as aforesaid, shall give notice thereof to the prosecutor of the proper district, whose duty it shall be, to proceed to the collection of the same without delay.

SEC. 3. If any commandant of a regiment, for the purpose of preventing the collection of fines, assessed on persons conscientiously scrupulous of bearing arms, shall neglect or refuse to appoint some suitable person, paymaster to his regiment, or to perform any other duty required of him in the law to which this is a supplement, for the purpose aforesaid, such commandant so offending shall forfeit and pay to the state of Indiana, the sum of five

hundred dollars, to be recovered by action of debt, in the name of the state of Indiana; which sum shall be paid into the state treasury, and be disposed of in the same manner as fines assessed on persons conscientiously scrupulous of bearing arms.

SEC. 4. That the county of Clay shall hereafter constitute one regiment, and form a part of the fifteenth brigade; and shall elect the necessary officers to command the same, so soon as the officer whose duty it is to order such election, shall direct.

Clay co. to be attached to 15th brigade.

SEC. 5. No part of the militia of Warren county shall hereafter be compelled to attend any muster out of said county; but shall be enrolled and trained within said county, by the commanding officers of the 59th regiment.

Militia of Warren co. how trained.

SEC. 6. That the act approved January 19th, 1828, entitled "an act to amend an act regulating the militia of the state of Indiana," approved January 20, 1824, shall not be so construed as to repeal the law requiring one battalion muster in each year.

SEC. 7. That should any non-commissioned officer, musician, or private, fail to attend any regimental, battalion, or company muster, as required by law, he shall pay, if a non-commissioned officer, not less than one, nor more than two dollars; and if a musician, or private, not less than fifty cents, nor more than one dollar, at the discretion of the regimental court of assessment.

Privates, &c. how fined.

SEC. 8. That so much of the thirty fourth regiment, as lies within Spencer county, be and the same is hereby attached to, and shall hereafter form a part of the twenty-seventh regiment of Indiana militia.

Spencer co. attached to 27th reg't.

## CHAPTER XLIII.

An act to amend the law regulating Grist Mills.

[APPROVED, JANUARY 23, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the owner or owners of the steam mill now in operation in the town of Providence near New Albany, in the county of Floyd, shall be entitled to have and receive out of the corn which shall be ground at said mill, one sixth part thereof; and in all other respects to be governed by the laws now in force in this state, regulating mills and millers.

Providence steam mill.

Toll.

This act to take effect and be in force from and after its passage.



## CHAPTER XLIV.

An act to change the name of John Smith to John Lucius Smith.

[APPROVED, JANUARY 19, 1829.]

Jno. Smith's  
name to be  
Jno. L. Smith.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the name of John Smith, of the town of Levenworth, in the county of Crawford, is hereby changed to John Lucius Smith; that all contracts and engagements he has entered into by the name of John Smith, before the passage of this act, shall be as valid and have the same effect in law and equity, as if this act had not passed.

This act to take effect and be in force from and after its publication.

## CHAPTER XLV.

An act for the improvement of the navigation of Eel River, and for other purposes.

[APPROVED, JANUARY 19, 1829.]

Eel river, a  
public high-  
way.  
Proviso.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Eel river, from Croy's mill in the county of Putnam, to its junction with White river, be and the same is hereby declared a public highway: *Provided,* Every person who has or may erect any mill dam on said stream, shall be governed by the provisions of the act, declaring certain streams therein named navigable, approved January 26, 1824.

Obstructions  
how removed.

SEC. 2. That the board of justices in the county of Clay, be and they are hereby authorized to appoint one or more commissioners, to superintend the clearing of the obstructions out of said river, with power to collect any donations that may be made by subscription or otherwise, for the purpose of improving the navigation of said river.

Monies how  
applied.

SEC. 3. It is hereby made the duty of said commissioner or commissioners, to apply all monies within one year after receiving the same, as he or they may think best; and on failing so to do, all persons who may have paid said commissioner or commissioners money, or other articles of value, may recover the same by action of debt, against said commissioner or commissioners, in any court having competent jurisdiction.

D. Stout may  
erect a dam  
across W. riv-  
er.

SEC. 4. *Be it further enacted,* That David Stout of the county of Delaware, shall be permitted to build a dam across the west fork of White river, at his mill on said stream, to the height of four feet, any law heretofore enacted to the contrary notwithstanding.

This act to be in force from and after its passage.

## CHAPTER XLVI.

An act supplemental to an act declaring Busseron Creek a public highway, approved January 21, 1826.

[APPROVED, DECEMBER 26, 1828.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all that part of Busseron creek, which is situated between Caruther's mill and Eaton's mill, be and the same hereby is declared a public highway;—and it is hereby made the duty of the board of commissioners of Sullivan county, to lay off said creek from Caruther's mill, to its mouth into districts; to appoint supervisors and allot hands; and the statutes respecting highways are hereby declared to apply to said creek below Caruther's mill, in every respect: *Provided nevertheless,* That if any person or persons, shall obstruct the navigation of said creek, below Caruther's mill, by felling timber into, and across the same, or otherwise, such person so offending, shall forfeit and pay any sum not exceeding one hundred dollars for each offence, to be sued for and recovered, in an action of debt, before any justice of the peace, in the name of the commissioners of said creek, and when recovered, such penalty shall be applied to the improvement of the navigation of Busseron creek, by the said commissioners.

Busseron creek, a pub.  
highway.  
Com'rs of  
Sullivan co.  
their duty.  
Proviso.  
Penalty for  
obstructing

SEC. 2. If any of the commissioners of Busseron creek, appointed in the act to which this is a supplement, shall resign, remove from Sullivan county, or depart this life, it is hereby made the duty of the board of commissioners of Sullivan county, from time to time, to appoint a proper person or persons, to fill such vacancy or vacancies.

Vacancies.

SEC. 3. And that nothing in this act contained, shall be construed to authorize any person or persons, to interfere with, or injure the dam at Eaton's mill, or to prevent any persons building mill dams on said creek, if such person shall form sufficient locks or slopes in such dams.

Slopes and  
dams authori-  
zed.

## CHAPTER XLVII.

An act relative to navigable streams declared highways, by the ordinance of Congress of 1787.

[APPROVED, JANUARY 23, 1829.]

*Be it enacted by the General Assembly of the state of Indiana,* That every person or persons, who shall erect and keep, or who may have erected, and shall continue to keep, any mill-dam, or other artificial obstruction, across the bed, or channel of any stream, or river, which is navi-

Penalty for  
obstructing  
navigable  
streams.



gable, and the bed or channel of which has not been surveyed and sold as land by the United States; shall upon conviction by indictment, be fined in any sum not less than three dollars, nor more than five hundred dollars, for every week any such obstruction may be kept and continued.

This act to take effect and be in force from and after its publication.

### CHAPTER XLVIII.

An act supplemental to act, entitled "an act declaring certain streams therein named public highways," approved January 26, 1824.

(APPROVED, JANUARY 22, 1829.)

**SEC. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That all that part of Patoka river, below Enlow's mill, to that part of the same river, which is declared a public highway, by the act, entitled, "an act declaring certain streams therein named public highways," approved January 26, 1824, shall thenceforth be considered a public highway, and that the provisions of the said act, shall be deemed and taken, as applicable to the same, in the same manner as if the same had been originally included therein.

**SEC. 2.** That it shall be the duty of the board doing county business, in Dubois and Pike counties, respectively, to cause the said highway to be laid off into road districts, appoint supervisors, set off hands, and cause all obstructions therein to be removed, and the same to be kept free from obstructions in the same manner, as other highways are opened and kept in repair.

**SEC. 3.** *Be it further enacted,* That Black creek, from the bridge where the Carlisle and Vincennes road crosses said creek, to its mouth; Indian creek, from the line where the Martin county line crosses said creek, to its mouth; Lick creek in Martin and Orange counties, from its mouth, to Daugherty's mill; also Lost river from its mouth to Shirley's mill, in Orange county; and Bean Blossom creek, from its confluence with the west fork of White river, as high up as the mouth of Griffith's creek; and Twin creek, so called, in Washington county, from Duskil's mill on said creek, to its junction with the east fork of White river, be, and they are hereby declared public highways; and the above named creeks, so far as herein declared navigable, shall come under the provisions of "an act declaring certain streams therein named, public highways," approved January 26th, 1824.

This act to be in force from and after its passage.

### CHAPTER XLIX.

An act to provide for Printing and Distributing the Laws and Journals of the present session.

[APPROVED, JANUARY 19, 1829.]

**SEC. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That the acts and joint resolutions of the present general assembly, shall be printed and distributed in the same way and manner, in every particular, as the acts and joint resolutions of the general assembly of 1825 were printed and distributed, as provided for by the act authorizing the same, approved February 10, 1825, except as hereinafter otherwise directed.

**SEC. 2.** All new counties laid off and organized at the present session, shall each be entitled to ten copies of the revised code of Indiana, and ten copies of the laws of each subsequent session of the general assembly, including the present session, which have not been distributed to such new counties; which shall be put up and forwarded in the same manner, as laws passed at the present session of the general assembly.

**SEC. 3.** That the secretary of state is hereby authorized and required to contract, with the book binder in this place, to bind in half binding, and to letter all the acts of the present general assembly: *Provided,* Such binding does not cost more than nine cents per copy.

**SEC. 4.** In addition to the number of the copies of the acts and joint resolutions of the present general assembly, required by the first section of this act, there shall be printed two hundred copies of the same, to be disposed of as by said section directed.

**SEC. 5.** That the county surveyor in each county, and each incorporated library society in this state, shall be entitled to receive, each a copy of the laws, to be distributed as other laws are distributed.

### CHAPTER L.

An act making provision for compensation to the Recorders of Gibson and Monroe Counties.

(APPROVED, JANUARY 19, 1829.)

**SEC. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That the recorders of the counties of Gibson and Monroe, be entitled to receive the following fees, for the services hereinafter enumerated, in relation to the seminary lands in said counties: twelve and one half cents,

I.



for every hundred words, for recording the original certificates, the receipts, and for executing and recording the final certificate; and that said recorders be allowed the sum of one dollar, for each quarterly report made by the said recorders, as required by law; which the auditor of public accounts is hereby authorized to audit, and the treasurer of state to pay, out of the interest of any monies in the treasury, belonging to the seminary fund, not otherwise appropriated.

Out of the  
seminary  
funds.

SEC. 2. The auditor of public accounts, is hereby required to audit, and the treasurer of state to pay, out of the interest of any monies in the treasury, belonging to the seminary fund, not otherwise appropriated, to the recorders of said counties of Gibson and Monroe, their proper claims for all services by them rendered, in relation to the seminary lands, at the rate above fixed; and also the amount by them expended, for the purchase of record books as required by law, which claims and expenditures shall be attested to by said recorders.

Certificate  
how assigned.

SEC. 3. *And be it further enacted*, That any person selling their certificate, and wishing to transfer the same, shall be permitted so to do, on the parties appearing before the said recorder, in the county where the land lies, and acknowledging their consent to the same; which acknowledgment the recorder is hereby authorized to take, and shall enter the same of record in his record book; which acknowledgment, when so taken and recorded, shall transfer all the right, title, and interest, of, in, and unto the said certificate, to the person to whom the acknowledgment and transfer is made. The person acknowledging, and transferring the same, shall pay to the recorder, before whom the same is taken, the sum of twenty-five cents, in full for his fee herein.

Recorder's fee

This act shall take effect, and be in force from and after its passage.

## CHAPTER LI.

An act providing for the more certain preservation of the evidence of the title to real estates.

(APPROVED, JANUARY 19, 1829.)

Clerk of sup.  
court may re-  
cord deeds.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That whenever any person shall request the clerk of the supreme court of this state, to record any deed of conveyance, or other evidence in writing, affecting the title of real estate, it shall be his duty to record the same in his office: *Provided however*, That the said clerk, shall not admit to record, any deed of conveyance, or other evi-

Proviso.

dence in writing, affecting the title of real estate, unless a certificate of the recorder of the proper county, where such deed of conveyance, or other evidence in writing has been recorded, in pursuance of the laws of this state, shall accompany such deed of conveyance, or other evidence in writing, under his hand and seal; nor unless the same shall have been duly acknowledged according to law.

SEC. 2. Such deeds of conveyance, or other evidence in writing, affecting the title of real estate, so authorized to be recorded by the clerk of the supreme court, shall be taken and received in evidence, in all the courts of record in this state, in the same manner, and under the same restrictions, as the records of the several recorders of the counties in this state.

Deeds record-  
ed, evidence.

SEC. 3. The said clerk of the supreme court, shall receive for his compensation for recording such deeds, or other evidence in writing, eight cents for every hundred words, and the like compensation, for any transcript he may be required to give, of such deeds of conveyance, or other evidence in writing.

Clerk's fees.

This act to take effect and be in force from and after its passage.

## CHAPTER LII.

An act for the relief of George Henry, James Borland and Ellis Stone.

[APPROVED, DECEMBER 18, 1823.]

*Be it enacted by the General Assembly of the state of Indiana*, That the commissioner of the reserved township of land in Monroe county, be, and he is hereby authorized, to correct the error made in the sale of the east and west halves, of the north west quarter, of section numbered six, in said township, and heretofore sold to George Henry, James Borland and Ellis Stone; and to receive from said purchasers, agreeably to the rates at which said half quarters were severally sold, such sum or sums of principal and interest, as may be due for the true amount of land, contained in said half quarter sections, and no more.

Com's to cor-  
rect an error  
in sale.

This act to take effect, and be in force from and after its publication.



## CHAPTER LIII.

An act to revive the act, entitled "an act to amend the act entitled, an act for the benefit of those persons, who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the sixth of March 1826;" approved, January 11, 1827.

[APPROVED, DECEMBER 18, 1828.]

Act of 1827  
revived for  
two years.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the act to amend the act, entitled, "an act for the benefit of those persons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire, in the court house at Lawrenceburgh on the morning of the sixth of March, 1826," approved January 11, 1827, adopted for one year, be and the same is hereby revived and continued in force for the period of two years.

Com'r when  
to hold meet-  
ings.

SEC. 2. That the said commissioner therein named, shall meet on the first Monday in March, May, September, December and February, and continue in session one week if the business shall require it, during the period of two years.

This act shall take effect, and be in force, from and after its publication in the Indiana Palladium, a weekly newspaper printed and published in the town of Lawrenceburgh in said county of Dearborn.

## CHAPTER LIV.

An act for the relief of the securities of Samuel Stanley, deceased, Collector of the county of Jackson.

[APPROVED, JANUARY 23, 1829.]

Securities  
may collect  
taxes unpaid  
for 1826 '27.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That William Williams, John C. Vermilia, Joseph Rich, Benjamin Smith, Joseph Brown, John Elliott and William Marshall, the securities of Samuel Stanley, deceased, for the collection and payment of the state and county revenue, for the county of Jackson, for the years one thousand eight hundred and twenty-six, and one thousand eight hundred and twenty-seven, or either of them, or any person whom they, the said securities may appoint, be authorized and empowered, to collect any taxes that may be due on the books of said collector, for the years aforesaid, by distress and sale of the personal or real estate, subject to the provisions and restrictions of the law now in force in this state relative to the collection of the revenue; and the same when collected, to pay over to the

How disposed  
of.

state and county treasurer, or apportion the same among the said securities, according to the sums they may have respectively paid, as such securities for said collector.

SEC. 2. Whereas the late Samuel Stanley, when acting as collector of the revenue of Jackson county, did sell certain tracts of land, for the taxes due thereon, and entered the same on his books, but neglected to give to the purchasers, certificates as the law directs; therefore,

Sheriff shall  
grant certifi-  
cates of land  
sold by Stan-  
ley.

*Be it further enacted*, That the sheriff of Jackson county be, and he is hereby authorized and required, to give a certificate or certificates, to any person or persons who may have purchased as aforesaid; which certificate or certificates, shall have the same force and effect, as if given by the aforesaid Samuel Stanley, at the time such tracts of land were sold: *Provided however*, That no certificate shall be granted, under the provisions of this act, unless he or they produce to the Sheriff, the receipt of the said Samuel Stanley, deceased, for the whole amount of taxes for which the land was sold, nor unless a memorandum of such sale, appear on the books of said collector.

Provided.

This act to take effect, and be in force from and after the passage thereof.

## CHAPTER LV.

An act allowing additional compensation, to Austin Bishop and Robert Culbertson, for extra work done upon the Governor's House.

[APPROVED, DECEMBER 31, 1828.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the sum of six hundred and fifty three dollars and fifteen cents, be and the same is hereby appropriated, out of any monies in the state treasury, arising from the sale of lots in the town of Indianapolis, not otherwise appropriated, in discharge of the account of Austin Bishop and Robert Culbertson, for certain extra materials furnished, and work done upon the house in the Governor's Circle in said town; and that the auditor is hereby required and empowered to audit, and the treasurer to pay said sum, out of any monies in the treasury, arising from the sale of lots in said town, not otherwise appropriated: *Provided however*, That the provisions of this act, shall not be so construed, as to prevent the agents on the part of the state, from deducting any amount they may think proper, if on the reception of said house, the said agents shall find any part of the same defectively or improperly finished or completed.

\$653 15 ap-  
propriated for  
extra work  
on Governor's  
house.

Provided.

SEC. 2. This act to take effect, and be in force from and after its passage.



## CHAPTER LVI.

An act for the benefit of Samuel M'George.

[APPROVED, JANUARY 3, 1829.]

S. M'George  
released on  
paying to ag't  
\$124 86.

*Be it enacted by the General Assembly of the state of Indiana,* That the benefit of the provisions of an act of the legislature, approved, January 26, 1827, extending to improvers on the donation, including Indianapolis, the occupancy of their improvements a sufficient time, at a fair estimate, to compensate them for the same, be extended to Samuel M'George; and the agent of state is hereby directed, in full satisfaction for the twelve acre improvement of said M'George upon the donation, which was taken possession of by the state, and upon said M'George paying to said agent, the sum of one hundred and twenty four dollars and eighty six cents, of rent of the east half of the large field on the donation, to release said M'George from all liability to further claim for the use of said part of said field, on behalf of the state.

## CHAPTER LVII.

An act for the relief of the infant heirs of Westley Harrison, deceased.

[APPROVED, DECEMBER 18, 1828.]

Preamble.

WHEREAS, Francis I. Carter, administrator, and Samuel Hull and Mary his wife, late Mary Harrison, administratrix of the estate of Westley Harrison, deceased, late of Sullivan county, and Alexander Blackburn, guardian of the infant children and heirs at law of the said Westley Harrison, deceased, have represented to this general assembly, that by a certain agreement in writing, dated the 7th day of May 1819, made between Adam Galliher and William Douglass, trustees for the united society of people termed Shakers, of the one part, and Westley Harrison of the other part; it was among other matters, by and between the parties aforesaid, witnessed, that the said Adam Galliher and William Douglass, trustees for and in behalf of said society had that day bargained and sold, unto said Westley Harrison, a certain tract or parcel of land, lying and being in the county of Sullivan, containing, three hundred acres on the waters of Maria creek, for and in consideration of four thousand five hundred dollars, to be paid as is in said agreement set forth; and also that the sum of two thousand seven hundred and fifty-seven dollars, has been paid on said contract; and that there is now about two thousand five hundred and ninety-eight dollars due; and also that at this time the said three hun-

dred acres of land cannot be estimated to be worth more than from twelve to fifteen hundred dollars; and also that the money to pay this debt cannot be collected by the said administrator and administratrix, until after the year 1830, by which means the amount to be paid will be increased; and also, that the society of Shakers by their agents, have proposed to cancel the contract aforesaid, and in consideration of the money they have received, to convey by deed in fee simple to Madison C. Harrison, Fenelon Harrison, Eusela Harrison, and Edith Miranda Harrison, the infant children and heirs at law of the said Westley Harrison deceased, a certain tract of land containing eighty acres in Sullivan county, now the property of said society; therefore,

*Be it enacted by the General Assembly of the state of Indiana,* That so soon as the lawfully appointed successors of Adam Galliher and William Douglass, late agents of the society called Shakers, who lately resided in Busseron prairie, Knox county, shall execute to the legal representatives of Westley Harrison deceased, a full and complete acquittance, of and for all claims and demands whatsoever against them, the said representatives of Westley Harrison deceased, for and on account of the contract above recited, and for and on account of all evidences of debt which may have been executed to secure the payment of any part of the money yet due, by virtue of said contract; and shall also execute and deliver to said Alexander Blackburn, a good and sufficient conveyance in fee simple, to the said infants, heirs at law of said Westley Harrison deceased, Madison C. Harrison, Fenelon Harrison, Eusela Harrison and Edith Miranda Harrison, of and for the tract of land containing eighty acres in the recital above mentioned; the said Alexander Blackburn, guardian of the infant heirs, aforesaid, is hereby authorized and empowered, to execute in the name of said infants, heirs at law as aforesaid, to the said agents of said society, commonly called Shakers, a release of all the right, title, interest or claim at law or in equity, of the said infants, heirs at law as aforesaid, of, in, or to, the said tract of land, containing three hundred acres, in said contract described.

This act to take effect and be in force from and after its publication in the Indianapolis Gazette.

Guardian of  
heirs authori-  
zed to cancel  
original con-  
tract and re-  
ceive a con-  
veyance of 86  
acres.



## CHAPTER LVIII.

An act for the relief of the purchasers of out-lots, adjoining the town of Indianapolis, under the acts approved January 31, 1826, and February 12, 1825.

[APPROVED, JANUARY 22, 1829.]

Out-lots sold under act of 1824.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That no out-lot or out-lots, sold in pursuance of an act of the general assembly, approved, January 31, 1824, shall be considered as forfeited to the state in consequence of a failure to complete the payments thereon, prior to the first day of November 1830.

And 1825, not to forfeit for non-payment.

SEC. 2. That no out-lot or out-lots, purchased in pursuance of an act of the general assembly approved, February 12, 1825, shall be considered as forfeited to the state, in consequence of a failure to complete the payments thereon, prior to the first day of November 1831.

This act to be in force from and after its publication in the Indianapolis Gazette.

## CHAPTER LIX.

An act to amend the act, entitled, "an act for assessing and collecting the revenue," approved, January, 30th, 1824.

[APPROVED, JANUARY 23, 1829.]

Infants, &c. may redeem in 3 years.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter, if any lands or lots, the property of any feme covert, infant, idiot, or insane person, shall be sold for the non-payment of the taxes and charges thereon; it shall be lawful for such feme covert, infant, idiot, or insane person, to redeem such land or lot, at any time not exceeding three years after the sale thereof, in the same manner as is provided by the act to which this is an amendment.

Collector's fees.

SEC. 2. That hereafter, each collector shall be entitled to the following fees for his services in collecting, viz: nine dollars, for every one hundred dollars, by him collected of state tax; and six dollars for every one hundred dollars of county tax, by him collected; and in the same proportion for sums collected of state and county revenue, when the same are paid into the respective treasuries.

If property will be taxable on 1st May next, it must be assessed.

SEC. 3. That hereafter, it shall be the duty of the assessor or assessors, of the different counties in this state, to list and assess all taxable property, both real and personal, that will be subject to taxation, on the first day of May next following the time of such assessment.

## CHAPTER LX.

An act to amend an act, entitled, "an act for opening and repairing Public Roads and Highways," approved January 24, 1828.

[APPROVED, JANUARY 24, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That supervisors shall be allowed fifty cents per diem, for each and every day, he, or they, may be necessarily employed in the discharge of their duties, to be paid out of the county treasury; except two days for his personal privilege, and the amount of tax assessed on either real or personal estate, for the benefit of public highways, at fifty cents per diem.

Pay to supervisors.

SEC. 2. That in all cases, when the hands allotted to any road or road district, shall have performed the number of days work required of them by the laws of this state, if such road shall remain unfinished, or shall at any time be found out of repair, it shall be the duty of the supervisor of such road, to call the hands assigned him, in proportion to the road tax now assessed, to complete, put or keep such road in repair.

Hands may be called out at any time.

SEC. 3. That there shall be, and is hereby assessed on town lots, excepting in incorporated towns, a road tax equal to one half the amount of county tax thereon, to be collected or worked out in the same manner, as is provided in the case of lands owned by residents and non-residents; the labour to be bestowed within the bounds of said town, to the improvement of its streets.

Road tax.

SEC. 4. This act shall not be construed to apply to such counties, as open their roads by labour alone, and under special acts now in force.

Act restricted.

SEC. 5. That the 36th section of the act for opening and repairing public roads and highways, approved January 24, 1828, which defers the collection of the non-resident road tax until the first day of December, be and the same is hereby repealed; and such tax from non-resident land, shall be collected, as is provided in the 14th section of said act; and if not paid, shall be collected by sale of such lands, as is provided for the collection of other tax on non-resident land.

Repeal.

Tax how collected.

This act to take effect and be in force from and after its publication.

M



## CHAPTER LXI.

An act to amend an act, entitled, "an act providing the mode of opening and repairing public Roads and Highways in certain counties therein named," approved, January 21, 1826.

[APPROVED, JANUARY 19, 1829.]

*Be it enacted by the General Assembly of the state of Indiana,* That hereafter, when any supervisor shall have been appointed, under the provisions of the act to which this is an amendment, and shall neglect or refuse, to discharge any of the duties of him or them, by said act required, he, or they, shall, for every such offence, be fined in any sum not exceeding fifty dollars, by presentment or indictment, in any court having competent jurisdiction; and that so much of the acts of 1824 and 1825, on the subject of opening and repairing public roads and highways, as contravenes the provisions of the act to which this is an amendment, be and the same is hereby repealed.

Penalty on supervisors for neglect of duty.

## CHAPTER LXII.

An act to revive an act, entitled, "an act for opening and repairing Public Roads and Highways, in certain counties therein named," approved January 21, 1826.

[APPROVED, JANUARY 22, 1829.]

*Be it enacted by the General Assembly of the state of Indiana,* That an act, entitled, "an act providing the mode of opening and repairing public roads and highways, in certain counties therein named," approved, January 21st 1826, be, and the same is hereby revived and continued in force in the county of Lawrence.

Act of 1826 in force in Lawrence co.

This act to take effect, and be in force from and after its publication.

## CHAPTER LXIII.

An act supplementary to an act, entitled, "an act to establish a levee to preserve the road leading from Vincennes, through the lower prairie, near to the Wabash river," approved January 5th, 1828.

[APPROVED, JANUARY 13, 1829.]

*SEC. 1. Be it enacted by the General Assembly of the state of Indiana,* That the citizens of the lower ward of the borough of Vincennes, and of the village of Catherinets, and of the lower prairie, within the township of Vincennes, who now are, or hereafter may be subject by law, to work

Work to be done on levee below Vincennes.

upon roads and highways, shall and are hereby required, to perform one day's labour in each year, upon the levee within said township, provided for by the act to which this is supplementary, at such time and place, as the supervisor appointed under said act may direct; and a failure so to do, shall subject every delinquent to the same liabilities, as are provided for by the act for opening and repairing public roads and highways now in force, approved January 24, 1828; and the said one-day's labour of each citizen hereby required, upon the levee as aforesaid shall be viewed, taken and receipted for, as in part payment of the work for personal privilege, now authorized and required by law, of the citizens residing within the boundaries herein designated.

Penalty for failure.

*SEC. 2.* And it is hereby rendered the duty of, and enjoined upon the proper authorities, or citizens of the borough of Vincennes, to erect and keep in repair, from time to time, as the same may become necessary, in the opinion of the supervisors of the levee aforesaid, such portion and part of said levee, through a lot and streets at the south west corner of said borough, as may be required to accomplish the object of the embankment within the limits of the same.

Duty of citizens of Vincennes.

*SEC. 3.* The labor hereby authorized, upon the levee as aforesaid, shall be receipted for by the supervisors thereof, and shall be taken and received by all road supervisors, as payment in part of the work they might otherwise be authorized to demand, by virtue of the law under which they act.

Credit for work done.

This act shall take effect, and be in force from and after its passage.

## CHAPTER LXIV.

An act concerning the town of Utica.

[APPROVED, JANUARY 19, 1829.]

*SEC. 1. Be it enacted by the General Assembly of the state of Indiana,* That the board of justices for the county of Clark, at their next May term, be, and they are hereby authorized and directed, to appoint a supervisor, residing within the town of Utica, whose duty it shall be, to call out the citizens of said county, to work out the road tax upon the streets and alleys of said town, which they are now bound by law to work for their personal privilege, and the receipt of said supervisor, shall be a sufficient discharge for said tax.

Supervisor to be appointed.

*SEC. 2.* Should the supervisor appointed by this act, re-

Penalty on



supervisor for neglect. fuse or neglect to discharge the duties herein required of him, he shall be liable to the same penalties, that other supervisors are liable to, by law, for a failure to perform their duty.

This act to take effect, and be in force, from after its passage.

## CHAPTER LXV.

An act to establish a Clay Turnpike road from the town of Levenworth in Crawford county, twenty miles or more in the direction of Indianapolis.

(APPROVED, JANUARY 19, 1829.)

Commissioners appointed. Authority. Turnpike how constructed. Bridges, &c.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Julius Woodford, John L. Smith, and Zebulon Levenworth of said county, be and they are hereby appointed commissioners, and authorized to survey and construct a clay turnpike road, to commence upon the bank of the river Ohio, in said town, and extend it out in the direction of Indianapolis twenty miles or more. Said commissioners are hereby authorized to lay and construct said turnpike, upon the horse shoe bend state road, from the town of Levenworth to Indianapolis via Bono, or any part thereof, or upon any part of either, making such changes as they may think proper. Said clay turnpike road, shall be opened any width clear from timber not exceeding forty feet, thirty feet of which in width, including ditches upon each side, and as near the centre as may be convenient, shall be made an artificial clay turnpike which shall be made solid and durable, and graduated from the height of two feet in the centre, to the sides thereof, or from such height as the commissioners shall determine, and so nearly level in its progress, as that it shall in no place rise or fall more than five degrees with a horizontal line; good and sufficient bridges and sluices shall be made over all rivers, creeks and rills crossing the direction of said road, and shall be by the proprietors of the same, so long as they claim an interest in it, kept in good repair.

Oath of com's

SEC. 2. The commissioners, before they proceed to execute the powers vested in them by this act, shall take an oath or affirmation, faithfully and diligently to discharge the duties assigned them by this act.

Com'rs when and where to meet. Duties,

SEC. 3. Said commissioners, or a majority of them, shall meet in the town of Levenworth, upon the first Monday of March next, or as soon thereafter as a majority may agree on, and shall, after taking the oath or affirmation as aforesaid, proceed to examine, survey, and lay out said

road, and shall lay it off into sections, not exceeding one mile in length, commencing in said town, and extending as aforesaid twenty miles or more, numbering each section numerically, and estimate the probable cost and expense of constructing each section as aforesaid, and shall record the number and amount of the same, in a book to be provided for that purpose.

SEC. 4. It shall be the duty of said commissioners, when they shall have made the survey, division and estimate so as aforesaid, to set up an advertisement in three or more of the most public places in said county, and such other places as they may deem expedient, of the time and place they will let the opening and keeping in repair said road, at least four weeks previous to said time of letting out. At the time and place, said commissioners shall let each section to the lowest bidder or bidders, and require such bidder or bidders, to give bond with approved security, in double the sum at which said section may be bid off, conditioned for the due performance of all the work at the time, and in the manner required by the commissioners to be done upon said sections; said bond shall be payable to said commissioners, and upon forfeiture of any of the conditions, the commissioners shall have a right at any time after, to expose said section to public sale again, in the same manner as above provided; and the bidder or bidders off, who may have forfeited his or their bond, shall be liable to pay all costs and damages occasioned by such forfeiture, and the amount which said section may sell for more at the second sale, than at the first sale; which costs, damages and amount, the commissioners shall have a right to sue for and recover, by action of debt, before a justice of the peace, or any court having competent jurisdiction. The amount of any judgment recovered and collected as aforesaid, shall be applied and laid out by the commissioners, in opening and repairing said road, or to pay any contingent expenses of the same.

SEC. 5. That it shall be the duty of the commissioners and undertakers, to have the road commenced as soon as may be convenient after the passage of this act, and finished within five years from the date of the same.

SEC. 6. As soon as the said undertaker or undertakers of said road, shall procure from a majority of said commissioners, a certificate that the same is completed, according to the provisions of this act,—then it shall be lawful for him or them, to erect turnpike gates at convenient places on said road, to wit: one full gate on every ten miles of said road, and they shall be entitled to have and receive and demand the following rates of toll, of each and every person passing the same, to wit: for each person on horseback, six and one fourth cents; for every horse, mare, fil-

Com's further duties.

Road to be let.

Contractor's bond.

Suit on bond.

Road when to be finished

Gates to be erected.

Toll.



ley, mule, jack or jenny, six and one fourth cents; for every loaded cart, or carriage, with two wheels, 18 3-4 cents; empty 12 1-2 cents; for every loaded wagon, or carriage with four wheels, fifty cents; and empty twenty-five cents; for every two wheeled pleasure carriage, twenty-five cents, and four wheels ditto. fifty cents; and for every twenty head of neat cattle, hogs, or sheep, six and a fourth cents; and in the same proportion, for a greater or less number. If any person shall pass or attempt to pass, any of the said turnpike gates, without paying the tolls aforesaid, or avoid or attempt to avoid paying the same, he, or they, shall forfeit and pay five dollars for the use of the undertakers of said road, which sum may be recovered in the name of the gate keeper, for the use aforesaid, before any justice of the peace in the state; and the gate keeper, shall be a competent witness to prove the same: *Provided*, said undertakers may erect as many gates as they please, upon said road, and at such places as they may deem expedient; but if more than one gate is erected upon every ten miles, then the undertakers shall only have a right to charge a proportionate part of the tolls as above specified, which shall be in proportion to the number of gates upon each ten miles: *Provided however*, That nothing in this act shall be so construed, as to cause any person to pay toll, who may travel any state road passing across said turnpike road.

SEC. 7. If said undertakers shall at any time, permit said road to remain out of repair for the space of two months, to be ascertained by any two justices of the peace in the county, where the road may be, upon view, or upon competent proof of the part, they shall order said turnpike gate or gates to be thrown open upon the road, or that part of the road which may be out of repair; and they shall not again be shut, until the road is put in good repair, and the gates ordered again to be shut by an order from two justices receiving information that said road is in good repair; when it shall be the duty of the justices to order the gates shut, and tolls to be received as formerly.

SEC. 8. That when said road is completed or any part thereof, from time to time as aforesaid, and the same shall have been examined, proved, and licensed in manner aforesaid, it shall be lawful for the undertaker or undertakers, to appoint such, and so many toll gatherers, as he, or they may think proper, to collect and receive of and from any person or persons using said road, the toll rates heretofore mentioned, or a proportionate part, in proportion to the distance so finished.

SEC. 9. It shall be the duty of the gate keeper or keepers, to fix up at each turnpike gate, a printed list of the

Penalty for  
avoiding toll.

Number of  
gates.

Proviso.

If road is out  
of repair,  
gates to be  
opened.

Toll gatherers

List of rates.

rates of the toll allowed by this act, for the inspection of such person or persons as may travel the road; and if any toll gatherer, shall demand from any person or persons, using said road, any greater rate of toll than by this act is authorized and allowed, such toll gatherer, shall forfeit and pay the sum of ten dollars, for every such offence to be applied to the use of the county seminary in the county where such action accrued, to be recovered before any justice of the peace in manner aforesaid.

SEC. 10. No suit or action shall be brought or prosecuted, for any penalties incurred under this act, unless it be commenced within six months next after the right of such action accrued; and the defendant or the defendants may plead the general issue, and give this act, and the special matter in evidence.

SEC. 11. That the said commissioners, shall be entitled to receive one dollar and fifty cents per day, for every day they shall be necessarily employed in the duties of their office, to be paid by the undertaker or undertakers, in proportion to the amount each may be interested in said road.

SEC. 12. That the said commissioners, when they have sold the sections of said road, or any part thereof, shall divide the amount in shares of twenty-five dollars, and fractional parts, if it should so happen that any section cannot be divided into shares of twenty-five dollars exactly, and shall enter them in a book in which said survey, number, and estimates of the sections are entered, and give to each purchaser, a certificate embracing the number of shares and fractional parts, each one may be entitled to, which certificate shall be under the hands and seals of said commissioners, or a majority of them.

SEC. 13. That the certificates of shares, as directed to be issued by the commissioners in this act, shall be considered personal estate, and transferable by certificate acknowledged before any justice of the peace; a transcript of such transfer and acknowledgment shall be entered upon the back of estimates before it shall be valid.

SEC. 14. That as soon as said clay turnpike road shall be finished, or any five or greater number of miles thereof, the commissioners shall give notice as herein before directed, to the undertakers or holder of certificates of shares, to meet in order to organize a corporation, and choose out of the share holders, by ballot, to be delivered in person or by proxy duly authorized, a president and three directors; and at such meeting, and all future meetings of the shareholders, each shareholder shall be entitled to one vote for each share he may hold, to five and under; one vote for each five, over five to fifty; and one vote for each ten shares he may hold over fifty.

Extortion.

Suits limited.

Pleas.

Allowance to  
com'rs.

Shares.

Shares how  
assigned.

Company  
how incorpo-  
rated.

Votes of  
shareholders.



Style of corporation, and powers.

SEC. 15. That the shareholders in said company, shall be, and they are hereby incorporated, and constituted a body politic, by the name and style of the Levenworth turnpike company; and by the same name the shareholders and their successors, shall have succession during the continuance of this corporation; and shall have all the privileges and franchises of, or incident to a corporation, and shall be capable of taking and holding the said stock, and the increase and profits thereof, and of suing and being sued, answering and being answered unto; to make a seal, alter, break, and renew the same according to their will and pleasure.

Annual meeting.

SEC. 16. That the shareholders shall meet annually in the town of Levenworth on the first Monday of May in each and every year, for the purpose of choosing a president and three directors; and the shareholders may meet at such other times and places as they may be notified to meet, according to their by-laws, and do and perform all other corporate acts as herein authorized, and incident to such corporation, either at their annual meeting or any other notified meeting as aforesaid.

Officers how appointed.

SEC. 17. That the president and directors, shall have power to appoint a treasurer, and such other officers and agents as they may deem expedient, for the management and conducting the affairs of the corporation; and to make such by-laws as they may deem necessary for the government of said corporation, and to fix the compensation for their agents: *Provided however*, Such by-laws shall not be contrary to the constitution and laws of this state.

By-laws.

Proviso.

Company to keep account.

Dividends.

SEC. 18. That said company shall keep a true account of all monies received on account of tolls, or otherwise, from said road, and all monies laid out in repairs, and other contingent expenses; and after deducting the amount laid out from the amount received, shall make dividend every six months, of the balance, among the stockholders, in proportion to the stock each may hold, and pay the same over upon demand.

Report to General Assembly.

SEC. 19. The said company shall at the end of four years after they shall first commence receiving tolls, and every two years thereafter lay before the general assembly of this state, an abstract of their account showing the whole amount of their capital expended in making and repairing said road, and the increase arising therefrom; and if from them it shall appear the company will receive more than fifteen per cent. per annum upon the capital expended, then the legislature may reduce the rate of tolls; but if it shall appear the company will not receive said fifteen per cent. per annum, the legislature may raise the rate of tolls, so as to give the company the fifteen per centum per annum; but said tolls shall in no way be reduced, so as to give the company a less neat profit than fifteen per cent. per annum.

Tolls how modified.

SEC. 20. The state shall at any time after said turnpike shall have been made, have a right to make it a public road, by first paying back to the stockholders the amount of money by them expended in making the same, with six per centum, per annum from the time of the completion to the time of the payment.

State may make road public.

SEC. 21. That if any person or persons, shall open or make any road, a pass way from said turnpike road, with an intent of avoiding, or to aid others in avoiding, any gate upon said road, he, or they, shall forfeit and pay to the use of the corporation, so intended to be injured, a sum not less than fifty dollars, nor more than one hundred; and a like sum for every month he, or they may continue such road or way, after receiving notice from the president to close the same, to be received [recovered] in the name of the president for the use as above specified, in any court having competent jurisdiction.

Avoiding gates.

Penalty.

SEC. 22. That if any turnpike gate-keeper, or agent of said company, shall unreasonably delay or hinder any person or persons passing any gate upon said road, after he, or they have paid or tendered the amount of toll for passing such gate, such gate-keeper or agent, shall forfeit and pay to such person or persons, so hindered, not less than two dollars, nor more than twelve dollars, to be recovered by such person, for his own benefit, before any magistrate in the county where such delay may happen.

Hindering passengers.

Penalty.

SEC. 23. That if any person shall refuse to pay the toll or tolls imposed by this act, at the respective places at which they may be demanded by law, or shall evade the payment thereof, by going around the toll gate or gates, such toll shall be recovered by warrant issued by any justice of the peace of the county, in which the payment of such toll may be demanded, or ought to be paid by virtue of this act, or in the county in which such person may live, who ought to pay the toll, and all such justices are hereby authorized and required, to issue such warrant or warrants, on the application of any agent of said company, hear and determine the complaint, and pass judgment, and award execution thereon, and cause the same to be collected and paid over in the same manner as they are authorized to proceed in other cases for like sums.

Tolls, how enforced.

SEC. 24. That the said company, or any individual in their behalf, shall not in any manner be at liberty to issue bills of credit, or bills payable to bearer, or order, or to carry on any banking institutions whatever.

Banking powers, &c. prohibited.

SEC. 25. No tolls shall be demanded of any person, at any gate, who is going to, or from, any militia muster, to, or from his daily labour, to or from any religious meeting, to, or from any election or other public meeting.

Persons exempt from toll.

This act to take effect and be in force from and after its passage.



## CHAPTER LXVI.

An act in addition to an act, entitled, "an act authorizing the laying off certain State Roads, and appropriating one hundred thousand dollars of the three per cent. fund, for opening the same;" and the several acts amendatory thereto.

[APPROVED, JANUARY 23, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That from and after the first day of July next, the duties enjoined on the board of commissioners, by the several acts, to which this is an addition, shall cease; and there shall be only one road commissioner, on each of the several roads in this state, in lieu of the board of commissioners now existing.

SEC. 2. That from and after said first day of July, John I. Neely of the county of Gibson, shall be and he is hereby appointed commissioner, on road number two; that Archibald Campbell of Pike county, be, and he is hereby appointed commissioner on road number three; that Andrew Cavelt of the county of Posey, be, and he is hereby appointed commissioner on road number four; that Isaac Montgomery of the county of Gibson, be appointed commissioner on road number five; that William McCormick of the county of Daviess, is appointed commissioner on road number six; that Michael Buskirk of the county of Monroe, is appointed commissioner on road number seven; that Ezekiel Blackwell of Orange county, is appointed commissioner on road number eight; that Richard Beam of the county of Jackson, be appointed commissioner on road number nine; that William Richards of the county of Washington, be appointed commissioner on road number ten; that John G. Clendenning of the county of Orange, be appointed commissioner on road number eleven; that Samuel Gwathmey of the county of Clark, be appointed commissioner on road number twelve; that John M. Lemon of the county of Clark, be appointed commissioner on road number thirteen; that Gara Davis of the county of Scott, be appointed commissioner on road number fourteen; that on road number fifteen William Sanders of the county of Marion, be appointed commissioner to Sand creek; and William C. Bramwell of the county of Jennings, be appointed commissioner on said road, from Sand creek to Madison; that Simeon Slawson of the county of Switzerland, be appointed commissioner on road number sixteen; that John Walker of the county of Shelby, be appointed commissioner on road number seventeen; that David Mount of the county of Franklin, be appointed commissioner on road number eighteen; that Stanhope Royster of the county of Fayette, be appointed commissioner on road number nineteen; that John C. Kibbey of

the county of Wayne, be appointed commissioner on road number twenty; that John Way of the county of Randolph, be appointed commissioner on road number twenty-one; that James Blake of the county of Marion, be appointed commissioner on road number twenty-two; that John Barricklow of Dearborn county, be appointed commissioner on road number twenty-three; that Franklin F. Sawyer of the county of Pike, be appointed commissioner on road number twenty-four; that Robert M'Intire of the county of Washington, be appointed commissioner on road number twenty-six; that George Ewing of the county of Perry, be appointed commissioner on road number twenty-seven; that James Ball of the county of Daviess, be appointed commissioner on road number twenty-eight; that William Sanders of the county of Marion, be appointed commissioner on road number twenty-nine; that William Conner of the county of Hamilton, be appointed commissioner on road number thirty; that William Polk of the county of Knox, be appointed commissioner on road number thirty-one; that Reuben Bates of Perry county, as far as the line dividing the counties of Perry and Warrick, and Alanson Warner of Vanderburgh county, from thence to the mouth of the Wabash river, be appointed commissioners on road number thirty-two; that Reason Davis of the county of Shelby, be appointed commissioner on road number thirty-three; that Chester Elliot of the county of Warrick, be appointed commissioner on road number thirty-four; that Dennis Ball of the county of Montgomery, be appointed commissioner on road number thirty-five; that Morgan Shortridge of the county of Tippecanoe, is appointed commissioner on so much of road number thirty-six, as lies between Lafayette, and the west line of Hamilton county, and Zenas Beckwith is appointed commissioner on so much of said road as lies within Hamilton county; and James Scott of Madison county is appointed commissioner on so much of said road as lies within the counties of Madison and Henry; and all money that has been or may hereafter be appropriated on said road, shall be received by said commissioners, and appropriated on said road, in proportion to the distance; and that James Talbot of the county of Patnam, be appointed commissioner on road number thirty seven; as numbered by the agent of the three per cent. fund; who shall severally exercise the powers, and discharge the duties belonging, or in any wise appertaining to the board of commissioners, now existing on the respective state roads, numbered as aforeaid. The district of road number eleven, on which John G. Clendenning is appointed commissioner, shall extend west no further than the boundary line, dividing Orange and Martin counties; and on all that part of said road, leading through



Martin, Daviess and Knox counties, from where it crosses the division line of Orange and Martin counties aforesaid, Cornelius Berkshire of Daviess county, is hereby appointed commissioner in lieu of the late board; and shall receive such papers and contracts as relate thereto, with all sum or sums of money due to, and to be hereafter expended thereon, as provided for.

Com'r shall  
make settle-  
ment with  
agent.

SEC. 3. *Be it further enacted*, That Benjamin I. Blythe, agent of the three per cent. fund, be, and he is hereby authorized and required, to repair to the residence of the several road commissioners, appointed under the provisions of the several acts to which this is an addition, for the purpose of settling with, and adjusting the several accounts, of said commissioners, who have refused or neglected to settle with said agent, in pursuance of the law: *Provided*, That nothing in this act shall be so construed, as to compel the said agent, to call on any of the commissioners, except the presidents of the board, unless settlement cannot be made satisfactory to the state, without such a call; and in such case, he may call on them, and not otherwise.

Agent shall  
notify com'rs.

SEC. 4. *Be it further enacted*, That it shall be the duty of the agent aforesaid, before the first day of May next, to notify the said commissioners of his appointment, under this act; and the said agent and commissioners, shall forthwith proceed to a settlement of all the accounts, of the several commissioners, under the acts aforesaid; and on said commissioners producing vouchers, properly sworn to and attested, before a justice of the peace, for the legal disbursement of all monies, they or either of them may have received or drawn, for the use of the road, for which he, or they, are commissioner or commissioners, and for their own services, as such commissioner or commissioners, a receipt or certificate thereof, which shall be a full and complete acquittance and discharge from his or their bond.

Vouchers of  
com'rs.

Suit against  
com'r. for not  
settling.

SEC. 5. *Be it further enacted*, That if any of said commissioners, shall neglect or refuse to settle with the agent aforesaid, when notified for that purpose, or neglect to produce the vouchers duly authenticated as aforesaid, of his or their disbursements; in such case, it shall be the duty of said agent, to direct a suit to be instituted, in the circuit court, against said commissioner or commissioners, on his, or their bond; which suit it is hereby made the duty of the prosecuting attorney of the proper circuit, to commence, and prosecute to final judgment and execution; and although on the trial thereof, it shall appear, that there was no money or balance in the hands of such commissioner or commissioners, he or they, shall nevertheless be liable to pay the costs, which may accrue on such suit; and on all judgments against any commissioner or commissioners, the sum of ten dollars shall be taxed in the bill of costs, in

Duty of pros.  
att'y.

His docket  
fee.

favor of the prosecuting attorney; which sum it shall be the duty of the sheriff, or other officer collecting the same, to pay over to the prosecuting attorney aforesaid.

SEC. 6. *Be it further enacted*, That said agent, is hereby required not to pay over to any commissioner or commissioners, or to their order, any monies (except for contracts already entered into,) until final settlement of their accounts be made, as required in this act.

Agent not to  
pay out mo-  
nies.

SEC. 7. The agent shall make report, to the next general assembly, of the settlements and adjustments accomplished by him under this act; and shall receive as compensation for his services, two dollars per diem, in performance of the duties imposed by this act.

Agent shall  
report.  
Compensa-  
tion.

SEC. 8. The commissioners aforesaid, retained and appointed by this act, according to the provisions of the first and second sections thereof, shall each receive per diem, for each and every day they may be necessarily employed in the discharge of the duties enjoined upon them by law, one dollar and no more.

Pay to com'rs

SEC. 9. That if any vacancy should occur, in the office of either of the aforesaid commissioners, or should they refuse to serve, or should a vacancy happen in the office of commissioner on any state road laid out under the authority of this state, the same shall be filled by the board doing county business, in the county where such commissioner may reside.

Vacancy.

SEC. 10. That so much of the state road, leading from Mauk's ferry to Indianapolis as lies between the points thereof, opposite the dwelling house of Theophilus Evans, in the county of Bartholomew, and the dwelling house of Elias Day, in the county of Jackson, be, and the same is hereby vacated; and the commissioner superintending said road, shall relocate said Mauk's ferry road, so as to intersect the state road leading from Bethlehem to Columbus, at or near the dwelling house of David Figley of Jackson county, and the amount of money on that part of said road, hereby vacated, shall be paid to the commissioner on the said Bethlehem state road, to be by him expended on that part of the Bethlehem state road, which lies between said points of intersection and Columbus. *Provided*, That the commissioner on the Mauk's ferry road, shall reserve so much of said money, as will be necessary to cut out the road, from the point of vacation in Jackson county, to the intersection of the Bethlehem state road.

Part of  
Mauk Ferry  
road vacated.

How re-locat-  
ed.



## CHAPTER LXVII.

An act to establish a State Road from Rushville in Rush county, to Lawrenceburgh in Dearborn county.

[APPROVED, JANUARY 17, 1829.]

Com'rs ap-  
pointed.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That William P. Rush of Rush county, James Ardery of Decatur county, and John M'Pike of Dearborn county, be and they are hereby appointed commissioners to view and mark a state road, from the town of Rushville in the county of Rush, to the town of Lawrenceburgh, in Dearborn county, commencing at Lawrenceburgh, thence on a way recently marked to Joseph Henderson's tavern in Decatur county, thence to intersect a county road at William Hill's in Rush county, thence with said road to Rushville.

When and  
where to meet  
Duties.

SEC. 2. The said commissioners shall meet at the town of Lawrenceburgh, on the first Monday in April next, or as soon thereafter as a majority of them shall agree, and shall proceed to view and mark said road; and shall within thirty days after the location thereof, cause a report to be filed in the clerk's office of each county, through which the said road shall or may pass; which report by the several clerks aforesaid [shall] be recorded in the record book of the proceedings of the several boards doing county business respectively.

County  
boards their  
duty.

SEC. 3. It shall be the duty of the boards doing county business, of their respective counties, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding forty-eight feet, and made agreeably to, and under the provisions of the several acts, that now are, or that may hereafter be in force, for opening and repairing public roads and highways.

Vacancy.

SEC. 4. Should any vacancy happen, by death, resignation, or refusal to qualify, of either of the commissioners appointed by this act, it shall be the duty of the board doing county business, in the county where such commissioners may reside, to appoint some suitable person to fill such vacancy.

Compensa-  
tion to com'rs

SEC. 5. It shall be the duty of the boards doing county business, in the counties through which such road shall pass, to allow to each of the said commissioners, such compensation as they may deem just and reasonable, for their services rendered under the provisions of this act, to be paid out of any monies in their county treasuries respectively, not otherwise appropriated.

\$100 of 3 per  
cent. fund ap-  
propriated.

SEC. 6. *Be it further enacted,* That there be, and hereby is appropriated, the sum of one hundred dollars, out of the three per-cent. fund, to be paid over to the commissioners

aforesaid, so soon as the sum of one hundred thousand dollars shall be paid over, in pursuance of the law appropriating that amount to certain roads therein specified; which sum of one hundred dollars hereby appropriated, shall be exclusively applied to opening and improving the road authorized by this act.

This act to take effect and be in force from and after its passage.

## CHAPTER LXVIII.

An act to locate a State Road from New Castle to Crawfordsville.

(APPROVED, JANUARY 9, 1829.)

Com'rs ap-  
pointed.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That William Dickson of the county of Henry, Daniel Heaton of the county of Hamilton, and David Vance of the county of Montgomery, be and they are hereby appointed commissioners to view, mark and lay out a state road from New Castle in the county of Henry, thence the nearest and best route to Crawfordsville in Montgomery county, by the way of the Falls of Fall creek in Madison county, and Noblesville in Hamilton county.

When and  
where to meet  
Duties.

SEC. 2. The said commissioners, or any two of them, shall meet in the town of New Castle, on the first Monday in April next, or any subsequent day that may be agreed upon by them, and after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, locate and mark said road; and shall within thirty days after the location thereof, cause a report to be filed in each of the counties, through which it may pass; which report shall be recorded by the clerks of said counties in the record book of the boards doing county business in said counties, within ten days after the filing of the same.

County  
boards, their  
duties.

SEC. 3. It shall be the duty of the boards doing county business in their respective counties, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding thirty feet, and made agreeably to and under the provisions of the several acts that now are, or hereafter may be in force for opening and repairing public roads and highways.

Vacancy.

SEC. 4. Should any vacancy happen by death, resignation or refusal to qualify, of either of the commissioners aforesaid, it shall be the duty of the board doing county business, in which such commissioner or commissioners resides or reside, to fill such vacancy; and they are hereby authorized to hold a special session for that purpose if necessary.



SEC. 5. It is hereby made the duty of the board doing Pay to comr's county business in the aforesaid counties, to allow to each of the commissioners aforesaid, such compensation, as they may deem just, for their services rendered under the provisions of this act, in proportion to the length of the said road in such county, to be paid out of the county treasury.

## CHAPTER LXIX.

An act to locate and open a State Road from Indianapolis to Lafayette in the county of Tippecanoe, and for other purposes.

[APPROVED, JANUARY 9, 1829.]

Obm'r appointed. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James M'Farland of Marion county, be and he is hereby appointed commissioner to locate and open a state road from Indianapolis to Lafayette in the county of Tippecanoe.

Com'r's duty. SEC. 2. The commissioner aforesaid, shall on the first Monday of April next, or on some subsequent day, and after being duly sworn faithfully and impartially to discharge the duties required of him by this act, shall then proceed to run and mark the road aforesaid, the nearest and best way.

Further duty. SEC. 3. That he shall cause to be filed in the clerks' offices of the counties through which the said road may pass, a complete report of his survey, within thirty days after the completion of the same.

Further duty. SEC. 4. The commissioner aforesaid, shall be governed in all respects whatever, by an act, entitled, "an act authorizing the laying off certain state roads in this state and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening said roads," approved December 31, 1821.

\$500 of 3 per cent. fund appropriated. SEC. 5. That the sum of five hundred dollars, is hereby appropriated out of the three per cent. fund, to defray all necessary expenses in carrying into effect the provisions of this act; so soon as the said one hundred thousand dollars, shall be paid over in pursuance of the law appropriating that amount to certain roads therein specified.

Pay to com'r's SEC. 6. That said commissioner shall receive one dollar per day, while necessarily employed in discharging the duties assigned him by this act.

\$300 approved to road from Indianapolis to Montezuma. SEC. 7. *Be it further enacted*, That the sum of three hundred dollars, be and the same is hereby appropriated, out of three per cent. fund, to open the state road from Indianapolis, via Danville, and Rockville to Montezuma in the county of Parke.

SEC. 8. *Be it further enacted*, That there is and shall be hereby appropriated, to be expended by the commissioners appointed by an act to establish a state road from New Castle in Henry county, to Lafayette in Tippecanoe county, "approved January 21, 1828, the sum of two hundred dollars, out of the three per cent. fund to be paid over to said commissioners, under the same restrictions and limitations, as are provided by the fifth section of this act.

SEC. 9. *Be it further enacted*, That the commissioners heretofore appointed to view, mark and locate a road from Indianapolis, via Danville and Rockville, to Montezuma, be and they are hereby authorized, to meet at Montezuma in the county of Parke, on the first Monday of April next, or as soon thereafter as they the said commissioners, shall agree upon; and proceed to locate and continue, on the most suitable ground for a road from Montezuma, west on the state line (in the direction of Springfield in the state of Illinois;) and be governed in all respects by the provisions of an act, entitled "an act to establish a state road from Indianapolis, via Danville and Rockville to Montezuma," approved January 24, 1828.

## CHAPTER LXX.

An act to change part of the State Road from Rockport to Bloomington.

[APPROVED, JANUARY 3, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Alford and Mason Ballow of Daviess county, and Rufus Brown of Martin county, be, and they are hereby appointed commissioners, to view and mark a state road from Reeves's ferry in the county of Daviess, by James Alford's, to Mount Pleasant in Martin county.

SEC. 2. The said commissioners shall meet at the town of Mount Pleasant, on the first Monday in May next, or as soon after as a majority of them may agree on, and after taking an oath faithfully and impartially to discharge the duties required of them by this act, shall proceed to view and mark said road, and shall within thirty days after the location thereof, cause a report to be filed in each of the clerks' offices of the counties of Daviess and Martin; which report shall be recorded by the said clerks, in the record book of the persons doing county business in the said counties, within ten days after the filing of the same.

SEC. 3. It shall be the duty of the persons doing county business in the aforesaid counties, at their first meeting after the location of said road, to cause the same to be



opened any width not exceeding forty feet, and made agreeably to, and under the provisions of the several acts that now are, or may hereafter be in force, for opening and repairing public roads and highways.

Vacancy. SEC. 4. Should any vacancy happen, by death, resignation or refusal to qualify, of either of the commissioners aforesaid, it shall be the duty of the persons doing county business, in which such commissioner or commissioners reside or resides, to fill such vacancies; and the persons doing county business, are hereby authorized to hold a special session for that purpose, if necessary.

Pay to com'r's SEC. 5. It is hereby made the duty of the persons doing county business in the counties aforesaid, to allow to each of the commissioners aforesaid, such compensation as they may deem just, for their services rendered under the provisions of this act, to be paid out of any money in the county treasury not otherwise appropriated.

## CHAPTER LXXI.

An act for viewing and laying out a State Road from Bono, via Bedford to Terre Haute.

(APPROVED, JANUARY 12, 1829.)

Com'r's appointed. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Brown of the county of Lawrence, James Stalcup of the county of Green, James H. Downing of the county of Clay, and Joseph Liston of the county of Vigo, be and they are hereby appointed commissioners to view, mark and lay out, a state road commencing at the town of Bono in the county of Lawrence, where a state road laid out and opened from New Albany, via Salem, terminates at the said town of Bono, and from thence to Bedford, by the way of Bloomfield: *Provided*, The same may be found to be the nearest and best way to Terre Haute in the county of Vigo.

When and where to meet. SEC. 2. That the said commissioners, or any two of them, shall meet at the town of Bono, on the first Monday of May next, or so soon thereafter as they may agree upon; who, after being duly sworn faithfully and impartially to discharge the duties enjoined upon them by this act, shall proceed to view, mark and lay out a state road as aforesaid, on the nearest and best ground, (having respect to public utility) which can be had; and shall within thirty days after the location of the same, cause a report of said road to be filed in the several clerks' offices in the counties, through which the said road may pass; which report the said clerks shall record in the record book of the board doing county business respectively.

County boards, their duties. SEC. 3. It shall be the duty of the boards doing county business in the several counties, through which said road may pass, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding thirty-three feet and made agreeably to, and under the provisions of the several acts that now are, or may hereafter be in force for opening and repairing other state roads and highways.

Vacancy. SEC. 4. Should any vacancy happen by death, resignation or refusal to qualify, on the part of the commissioners or either of them appointed by this act, it shall be the duty of the board doing county business, in the county where such commissioner resides, or may have resided, to appoint some suitable person to fill such vacancy.

Pay to com'r's SEC. 5. It shall be made the duty of the board doing county business, in each of the counties through which said road may pass, to make such allowance to the commissioners aforesaid, as they may deem reasonable, for their services as aforesaid, out of any monies in their respective county treasuries not otherwise appropriated: *Provided however*, That the expense of locating the same, shall be defrayed by each county, agreeably to the distance it may pass through the same.

Road from Spencer to Danville established. SEC. 6. *Be it further enacted*, That a road from Spencer in Owen county, by way of Middletown in said county, and thence to Danville in Hendricks county, is hereby established, as a public highway; and that John Hutson and Bartlett Asher of the county of Owen, and George W. Pope of the county of Hendricks, be and they are hereby appointed commissioners to locate the same.

When and where to meet. SEC. 7. The said commissioners shall meet in the town of Spencer, on the first Monday of June next, or any day thereafter which may be agreed upon, by a majority of them; and after being qualified, as required by the second section of this act, shall proceed to view, and mark said road.

County boards, &c. their duties. SEC. 8. That all the duties required to be performed by the commissioners, clerks and boards doing county business, named in the foregoing sections of this act, providing for the laying out and marking a road from Bono in Lawrence county, to Terre-Haute in Vigo county, be and the same are required of the commissioners, clerks and boards doing county business in the counties of Owen, Morgan and Hendricks; and the said last named commissioners shall be allowed for their services from the counties of Owen and Hendricks, such compensation, as is herein before provided for in the case of the first named commissioners.

Pay to com'r's. This act to take effect, and be in force from and after its publication in the Indiana Journal.



## CHAPTER LXXII.

An act to cause the state road leading from New Albany, in Floyd county, through Corydon and Fredonia, to Princeton, to be opened.

(APPROVED, JANUARY 24, 1829.)

**SEC. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That the sum of three hundred and thirty dollars, be and the same is hereby appropriated, out of the three per cent. fund, for opening that part of the above described road, which lies between Fredonia in Crawford county, and Princeton in Gibson county; and that Adam Shoemaker of Perry county, be and he is hereby appointed commissioner, with power to draw on the agent of the three per cent. fund, for the amount herein appropriated.

Commissioner

**SEC. 2.** The commissioner, herein appointed, shall give bond in the same manner, be subject to the same liabilities, receive the same compensation, and perform the same duties, as the commissioners on other state roads are required to do and perform; and shall cause that part of the road, on which this appropriation is made, to be opened any width, not exceeding twenty feet, and be made in every part, equally good as near as may be.

Com'r's bond.

Duties.

**SEC. 3.** *And be it further enacted,* That John Gibson of Harrison county, the commissioner appointed to superintend the improvement of the navigation of Big Blue river, by an act passed January 24, 1828, be allowed for his services, for the time he has, or shall hereafter be employed, as such commissioner, the sum of one dollar per day.

Pay to Jno. Gibson com'r &c.

**SEC. 4.** That the sum of fifty dollars, out of the three per cent. fund, be and the same is hereby appropriated, to the opening of a state road from the Ohio line, near Abington in Wayne county, to Connersville in Fayette county, by way of Waterloo and Goodlander's mill; and that Jonathan John of Fayette county, the commissioner on the said road, be allowed to draw and apply said money, in locating and opening the same.

\$50 of 3 per cent. fund to road from Ohio line to Connersville.

## CHAPTER LXXIII.

An act to locate a state road from the Ohio line, by Abington and Waterloo to Connersville.

[APPROVED, JANUARY 23, 1829.]

**SEC. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That Jonathan John of the county of Fayette, be, and he is hereby authorized to view, mark, and locate a state road, from that point, where the road from Dayton, through Eaton crosses the line dividing the state of

Com'r and his duty.

Ohio from Indiana; thence the nearest and best way to Abington, on the east fork of White Water; thence west, bearing south, so as to intersect the line dividing the counties of Union and Wayne, about two miles east of the north west corner of said Union county; thence west with the dividing line of the counties aforesaid, to the north west corner of the county of Union aforesaid; thence to Waterloo; thence to Goodlander's mills, and thence to Connersville, the county seat of Fayette county, to intersect the Rushville state road.

**SEC. 2.** That the said commissioner shall proceed, on the first Monday of April next, or on some subsequent day, after taking an oath, faithfully to discharge the duties enjoined on him by this act, to view, mark and locate said road, to make all necessary surveys, taking with him a sufficient number of chain-carriers and markers, and a surveyor; and shall, within thirty days after the location thereof, cause a report of the same, to be filed in each of the clerks' offices of the several counties through which the same may pass; which report shall within ten days thereafter be recorded in the record book of the several boards doing county business respectively.

**SEC. 3.** *And be it further enacted,* That the commissioner aforesaid, shall be allowed the sum of one dollar and fifty cents per diem, for each and every day he is necessarily employed in locating said road, to be paid out of the county treasuries, through which said road passes, in proportion to the distance in each county; and the several boards doing county business in such counties, through which said road may pass, shall be authorized to make such allowances to chain carriers and markers, as they may deem reasonable, payable out of the county treasuries aforesaid.

This act to take effect and be in force from and after its publication.

## CHAPTER LXXIV.

An act to establish a state road, commencing at or near Abraham Markle's, in Martin county, and running thence, through Mount Pleasant, thence to intersect the state road leading from New Albany to Vincennes, at or near the farm of John C. Clark.

(APPROVED, JANUARY 23, 1829.)

**SEC. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That a state road be established as follows, *Road.* viz: commencing at or near Abraham Markle's, in Martin county, and running thence by the way of Mount Pleasant, the seat of justice of Martin county, so as to intersect



the said road, at or near the point, where the road from Mount Pleasant to Washington, now intersects the same.

**SEC. 2.** That Cornelius Berkshire of Daviess county, be, and he is hereby appointed commissioner to view, measure, mark and lay out the said road, between the two designated points, who shall meet, at the point where said change commences, on the first Monday of April next, or so soon thereafter as possible; and who shall be governed, in all respects by the provisions of the act, entitled, "an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund, commonly called the three per cent. fund, for opening the said roads, approved December 31, 1821, and the several acts amendatory thereto.

**SEC. 3.** That said road hereby established, is entitled to receive its equal proportion of the three per cent. fund, with the road from New Albany to Vincennes; and the commissioner, on the west end of the road from New Albany to Vincennes, be, and he is hereby appointed commissioner on the above road.

This act to take effect, and be in force from and after its publication.

#### CHAPTER LXXV.

An act to establish a state road, from Mount Vernon, to the Wabash river at Collin's ferry, in a direction to Vandalia, in the state of Illinois.

[APPROVED, DECEMBER 26, 1828.]

**SEC. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That William J. Lowrey, John Hamilton, and Elias Altizer, Esquires, of Posey county, be, and they are hereby appointed commissioners, to view, and mark, and lay out a permanent road, from the town of Mount Vernon, Posey county, to Collin's ferry, on the Wabash, and in the direction to Vandalia, the seat of government in the state of Illinois.

**SEC. 2.** That said commissioner, shall meet in the town of Mount Vernon, on the first Monday in March next, or on any other day thereafter, that may be agreed on by a majority of them, and after taking an oath, faithfully and impartially to discharge the duties enjoined by this act, shall proceed to lay out said road, in the nearest direction, and on the best ground, and mark the same, so as to identify it, and cause the said road to be surveyed.

**SEC. 3.** The said commissioners, or a majority of them, shall immediately after the location of said road, make out a report of the same, and file it within sixty days

thereafter, in the office of the clerk of the county of Posey, and it is hereby made the duty of said clerk, to record the same within twenty days after he shall receive it, in the the record book of the proceedings of the county board of justices.

**SEC. 4.** It shall be the duty of the board of justices of said county, at their first meeting after the said road shall be laid out, marked and reported aforesaid, to cause the same to be opened any width, not exceeding fifty feet, and made agreeable to, and under the provisions of the several acts, that now are, or may be in force in this state, for the opening and repairing of public roads and highways; and the said commissioners hereby appointed to view, and mark said road, and the surveyor, and other persons employed by them, shall be allowed such compensation, for their services, as the county board of justices may deem reasonable, to be paid out of the treasury of said county of Posey.

This act shall take effect, and be in force from and after its passage.

#### CHAPTER LXXVI.

An act to establish a state road from Madison in the county of Jefferson, to Lawrenceburgh in the county of Dearborn.

[APPROVED, JANUARY 14, 1829.]

**SEC. 1.** *Be it enacted by the General Assembly of the state of Indiana,* That Robert B. Mitchell of Jefferson county, David Finley of Ripley county and James Walker of Dearborn county, be, and they are hereby appointed commissioners, to view, and mark a state road from Madison in the county of Jefferson, to Lawrenceburgh in the county of Dearborn, on or as near the route of the present road, as the ground will admit, by the way of Riker's ridge in the county of Jefferson, and by Dumeree's mills, and by Robert B. Mitchell's in the same county, to the forks of the roads leading to Versailles and Laughery creek, in the county of Ripley; thence on the road leading to said creek, by the way of the Cross Plains in said county of Ripley, to the farm lately occupied by Erastus Lathrop; thence the nearest and best way to Parker's horse mill, in Dearborn county; thence the nearest and best way to Wilmington in said last named county, and thence to Lawrenceburgh aforesaid.

**SEC. 2.** The said commissioners, shall meet at the town of Madison, on the third Monday of May next, or as soon thereafter, as a majority of them may agree upon, and after taking an oath, faithfully and impartially to discharge the duties by this act required, shall proceed to view and mark said road; and shall within thirty days after the lo-



**Report.** cation thereof, cause a report and plat of such location, to be filed in each of the clerks' offices of the counties of Jefferson, Ripley and Dearborn; which report, shall be recorded by said clerks, within thirty days after such filing.

**How opened.** SEC. 3. It shall be the duty of the board doing county business, in each of the counties aforesaid, to cause said road, as returned, to be opened through their respective counties, any width not exceeding thirty three feet, and made in conformity with the laws which now are, or may hereafter be in force, relating to public roads and highways.

**Vacancy.** SEC. 4. Should any vacancy happen, by death, resignation, or refusal to serve, on the part of either of said commissioners, it shall be the duty of the board doing county business, in the county where such commissioner resided, forthwith to fill such vacancy at their first meeting.

**Expenses.** SEC. 5. The commissioners of said road, shall each be allowed one dollar and fifty cents per day, for each and every day they may be employed, as above directed; to be paid out of the county treasuries of the counties above named, on the order of the county board thereof, in due proportion, according to the time so occupied in each county.

This act to take effect, and be in force, from after its passage.

## CHAPTER LXXVII.

An act to establish a state road from or near Brownsville, by the way of Waterloo and Milton, to intersect the state road leading from Centreville to Indianapolis.

[APPROVED, JANUARY 9, 1829.]

**Com'rs appointed.** SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Thomas R. Chunn of Union county, Allen Christler of Fayette county, and Dickerson Hurst of Wayne county, be and they hereby are appointed commissioners, to view, mark, and locate a permanent state road; to commence on the west side of the east fork of White Water river, on the road leading from Brownsville to Waterloo, near Brownsville in Union county, by the way of Waterloo, in Fayette county, and Milton in Wayne county, to intersect the state road leading from Centreville to Indianapolis, at the nearest point in a direction to Haydon's tavern.

**Duties.** SEC. 2. The said commissioners, or any two of them, shall meet in the town of Brownsville, in Union county, on the first Monday of June next, or any day thereafter that may be agreed upon by any two of them; and after taking

**When and where to meet**

an oath, faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to view and mark said road; and shall within thirty days after the location thereof, cause a report of the same, to be filed in each of the clerk's offices, of the several counties, through which the same may pass; which report shall by the said clerks in ten days thereafter, be recorded in the record book of the several boards doing county business respectively.

**Report.** SEC. 3. It shall be the duty of the boards doing the county business of their respective counties, at their first meeting after the location of the said road, to cause the same to be opened any width not exceeding thirty-three feet, and agreeable to and under the provisions of the several acts that now are, or that hereafter may be in force, for opening and keeping public roads and highways in repair.

**Duties of county boards** SEC. 4. Should any vacancy happen by death, resignation or refusal to qualify, of either of the commissioners appointed by this act, it shall be the duty of the board doing county business of the county, in which such commissioner resides or resided, to appoint some suitable person to fill such vacancy.

**Vacancy.** SEC. 5. It is hereafter made the duty of the board doing county business, in each of the aforesaid counties of Union, Fayette and Wayne, to allow each of the commissioners such compensation, in consideration of the services rendered, under the provisions of this act, as they may deem just and reasonable, to be paid out of any monies in their county treasuries respectively, not otherwise appropriated; each county paying one third of the expense, necessarily incurred in locating said road.

**Pay to com'rs** SEC. 6. *Be it further enacted,* That the board of justices of Jackson county, are hereby authorized to supply any vacancy that has, or may happen, by the death or refusal to qualify of any one, or either of the commissioners appointed to locate a road from Sparks' Ferry in Jackson county, by or near Jackson's Salt Works in Monroe county, in the direction of Indianapolis; who shall be governed in every respect, as provided for in the act appointing commissioners on said road.

**Proportion.** This act to take effect, and be in force from and after its publication.

**Board of Jackson co. to fill vacancies on road from Spark's ferry to Indianapolis.**



## CHAPTER LXXVIII.

An act to change a part of the Bethlehem State Road.

[APPROVED, JANUARY 23, 1829.]

Com'rs ap-  
pointed.  
Duty.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That William Ruddick, one of the commissioners appointed to locate and open a state road from Bethlehem, by New Washington and Lexington, to the falls of the Driftwood Fork of White river, from thence to intersect the state road from Mauk's ferry to Indianapolis, be, and he is hereby authorized and empowered, to change so much of said road, as lies between the falls of the Driftwood fork of White river, where said road now crosses said river, and where the county road leading from Brownstown to Columbus, crosses said road.

Further duty.

SEC. 2. And the commissioner aforesaid, shall cause that part of the road so changed, to be recorded and opened, in the same manner as other parts of said state road were recorded and opened; and that part of the road so changed under the provisions of this act, shall be considered a part of said state road; and that part of the state road lying between the points of intersection, shall be vacated, and all expenses that may accrue in opening that part of said road so changed, shall be paid out of any monies appropriated for laying out and opening said state road, that may be under the control of the commissioners of said road.

Vacation.  
Expense.

This act to be in force from and after its passage.

## CHAPTER LXXIX.

An act establishing a State Road from Grandison Thomas' farm in Daviess county, to intersect the State Road at, or near Richard Weaver's in said county.

[APPROVED, JANUARY 13, 1829.]

Com'rs and  
their duty.

*Be it enacted by the General Assembly of the state of Indiana,* That Lewis Jones, George Bruner and James H. McDonald, all of said county, be and they, or a majority of them are hereby authorized and required, to meet, at such time, and place as they may select, and after taking an oath, for the faithful discharge of their duties, shall proceed to locate a road on the nearest and best ground, from Grandison Thomas' farm, to Walnut street in the town of Washington, and through said street, to intersect the old road at or near the east end of Richard Weaver's farm; and when so located, shall be and remain a public high-

way: *Provided,* The opening and making said road, shall be done at the expense of the petitioners.

This act to be in force from and after its passage.

## CHAPTER LXXX.

An act providing for the opening of a State Road in the county of Allen.

[APPROVED, JANUARY 12, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That James Barnett of the county of Allen, be, and he is hereby appointed commissioner on the road leading from Fort Wayne to the state line of Ohio, on a direction to Defiance, with the same powers and authority as are given in the several boards of commissioners named in an act, entitled, "an act authorizing the laying off certain state roads in this state and appropriating one hundred thousand dollars, of the fund commonly called the three per cent. fund, for opening said roads," approved December 31, 1821.

SEC. 2. That it shall be the duty of said commissioner, previously to entering on the duties of his appointment, to take an oath, and enter into bond with sufficient security, agreeably to the aforementioned act, and to be governed in all respects agreeably to the provisions of said act.

SEC. 3. That the sum of two hundred and fifty dollars, be, and the same is hereby appropriated, out of the fund commonly called the three per cent. fund, for defraying the expenses of opening said road.

SEC. 4. The agent of the three per cent. fund, shall pay over the monies so appropriated, to the commissioner aforesaid, whose duty it shall be, to apply the same to the opening of said road, under the same rules and regulations, prescribed to other commissioners for opening other state roads.

SEC. 5. The commissioner aforesaid, shall be allowed the sum of one dollar per day, for each and every day he may be necessarily engaged in the performance of the duties assigned him by this act.

This act to be in force from and after its passage.



## CHAPTER LXXXI.

An act to relocate that part of the State Road, leading from the Ohio line to Winchester, thence to Indianapolis, which lies between the 30th and 35th mile post.

(APPROVED, JANUARY 3, 1829.)

Com'r and his duty. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Daniel Simmons of Delaware county, be, and he is hereby appointed commissioner to view, mark and locate a state road, beginning at the thirty-fifth mile post, on the state road leading from the Ohio line, by Winchester, to Indianapolis, thence by the way of Moncey town, to the 30th mile post on the aforesaid road.

When to act. SEC. 2. The said commissioner shall proceed on the first Monday in May next, or on some subsequent day, after taking an oath, faithfully to discharge the duties enjoined on him by this act, to view, mark and locate the said road, Employ hands to make all necessary surveys, taking with him a sufficient number of chain carriers and markers; and shall within thirty days after the location thereof, cause a report of the Report. same, to be filed in the clerk's office of the county of Delaware; which report shall within ten days thereafter, be recorded in the record book of the board doing county business.

Duty of county boards. SEC. 3. It shall be the duty of the board doing county business, in the county of Delaware, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding forty feet, and made agreeable to, and under the provisions of the several acts, that now are, or may hereafter be in force, for opening and repairing public roads and highways.

Vacancy. SEC. 4. Should any vacancy happen, by death, resignation, or refusal to qualify, on the part of the commissioner appointed by this act, it shall be the duty of the board doing county business, in the county of Delaware, to appoint some suitable person to fill such vacancy.

Pay to com'r. SEC. 5. It is hereby made the duty of the board doing county business, in the aforesaid county to make such allowance to the aforesaid commissioner, as they may deem reasonable, for his services to be paid out of any monies in the treasury of the county of Delaware, not otherwise appropriated.

This act to take effect and be in force from and after its passage.

## CHAPTER LXXXII.

An act to establish a State Road from Shelbyville, by the way of Marion in the county of Shelby, Greenfield in the county of Hancock, to Andersonstown in the county Madison, and for other purposes.

[APPROVED, JANUARY 23, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Abraham Elliott of the county of Henry, Com'r and his be and he is hereby appointed commissioner, to re-locate duty. so much of the state road, leading from New Castle in Henry county, to Lafayette in Tippecanoe county, as lies between New Castle and the five mile post on said road.

SEC. 2. That William Hawkins of Shelby county, Henry Watts of Hancock county, and Thomas Bell of Madison county, be, and they are hereby appointed commissioners, to mark and locate a state road, leading from Shelbyville to Marion in Shelby county, thence to Greenfield in Hancock county, thence to the falls of Fall creek, thence to Andersonstown in Madison county, from thence in a direction to Fort Wayne, until it intersects the state road leading from Indianapolis to Fort Wayne, in Allen county. Other com'rs and their duty.

SEC. 3. That Joseph Young of Johnson county, Jacob Fox of Shelby county, and Jesse Morgan of Rush county, be, and they are hereby appointed commissioners to mark and locate a state road, from Franklin in Johnson county, via Shelbyville in Shelby county, to Andersonville in Franklin county. Other com'rs and their duty.

SEC. 4. That Demas L. M'Farland of Marion county, be and he is hereby appointed a commissioner, to re-locate Another com'r and his duty. so much of the state road leading from Indianapolis to Crawfordsville, as lies between the west side of section twenty-seven, town 16, range 2 east, and where the same intersects a county road, leading to Indianapolis, near the house of William Logan.

SEC. 5. That James Kelsey of Parke county, be, and he is hereby appointed a commissioner, to mark and locate Another com'r and his duty. a state road from Greencastle in Putnam county, to Rockville in Parke county, thence to Beard's mill in said county, thence to Newport in the county of Vermillion; the county road from Newport to Springfield in said county, be and the same is hereby established a state road; and the commissioner aforesaid, shall continue the survey and location of said road from Springfield to the state line, in the direction of Springfield in the state of Illinois: *Provided*, That the petitioners pay the expense of such location. Proviso.

SEC. 6. That Norman D. Palmer of Vermillion county, be, and he is hereby appointed a commissioner, to mark and locate a state road from Crawfordsville in Montgomery Another com'r and his duty.



county, thence to Crook's mills in said county, thence to Perrysville in Vermillion county, thence to a point on the line dividing the states of [Indiana and] Illinois where a state road leading from Fort Clark by way of Danville in the state of Illinois crosses said line.

A road extended. SEC. 7. That a state road established by an act of the present general assembly, running from Gallatin in Parke county, to Franklin in Johnson county, be and the same is hereby extended to Greensburgh in Decatur county.

Another com. and his duty. SEC. 8. That John C. Berry of the county of Madison, is hereby appointed a commissioner, to view, mark, and relocate so much of the state road, leading from Winchester to Indianapolis, as lies within the fifty-first and fifty-third mile post, on said road in Madison county.

Part of a road not to be worked. SEC. 9. *Be it further enacted*, That the citizens of Bartholomew county, shall not be liable to work on so much of the state road established from Shelbyville in Shelby county, to section 18, township 7, north of range 3, east, as runs through the county of Bartholomew, for one year.

Part of road vacated. SEC. 10. That so much of the state road leading from Centreville to Indianapolis, as runs through the town of Greenfield, the seat of justice of Hancock county, be, and the same is hereby vacated; and the said road, so far as the same runs through said town shall be located on the national road.

Vacancies. SEC. 11. should any vacancy happen by death, resignation, or refusal to qualify, of any of the commissioners appointed by this act, it shall be the duty of the board doing county business, in which such commissioner resides, to appoint some suitable person to fill such vacancy.

Com'rs when and where to meet. SEC. 12. That the commissioners on the above named roads, shall meet at the points named for the commencement of each road, on the first Monday in June next, or as soon thereafter as circumstances will permit, and severally take an oath or affirmation, faithfully and impartially to discharge their duties enjoined on them by this act; and then proceeded to mark, locate, and relocate such state roads; and when the same are surveyed and laid out, the commissioners shall cause to be filed in the clerk's office of each county through which said road runs, a true copy of the plat and survey of the same, which when recorded by the clerk (which he is hereby required to do,) the court doing county business, shall recognize such road as a state road, and shall apportion the labour equally amongst the several roads, in such county and township; the commissioners on the said roads, if necessary, shall be authorized to employ a surveyor, and shall make a reasonable allowance, which shall be paid in equal proportions, out of the several treasuries of the counties through which the road runs, and each commissioner shall receive one dollar per

Report.

How opened.

Expenses.

day, for each day he may be employed as such, to be paid in the same manner as is provided for paying the surveyors on such roads.

SEC. 13. That for the improvement of the road from Crawfordsville to the state line, dividing the states of Indiana and Illinois, the sum of two hundred dollars be and the same is hereby appropriated, out of the three per cent. fund, to improve the same, under the direction of the commissioners on said road, in the same manner as is provided for, in an act appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund: *Provided*, That nothing in this act shall be so construed, as to authorize the agent of that fund, to pay the same over to such commissioner, until all the monies that have been appropriated, shall be drawn from the same.

This act shall take effect, and be in force from and after its passage.

### CHAPTER LXXXIII.

An act to establish a State Road, from a point on the line dividing the states of Indiana, and Illinois, in the direction to Vandalia in the state of Illinois, by the way of the points therein named, to Greensburgh in Decatur county.

[APPROVED, JANUARY 12, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Denny of the county of Putnam, be and he is hereby appointed a commissioner to view, mark, and locate a state road, from a point on the state line dividing the states of Indiana and Illinois, in the direction of Vandalia in Illinois, crossing the Wabash river at the town of Clinton in Vermillion county Indiana, thence through Gallatin in Parke county, by the way Greencastle in Putnam county, Mooresville and Mill's ford on White river, and Port Royal in Morgan county, to Franklin in Johnson county.

SEC. 2. The said commissioner, shall on the first Monday in April, after taking an oath for the faithful performance of his duty as commissioner aforesaid, shall proceed to view, mark and locate said road, to employ a surveyor, marker, and chain carriers, to assist in locating the same; and shall allow them a reasonable compensation, for their services out of the monies hereafter provided; and shall within thirty days after the location thereof, cause a report thereof to be filed in the clerks' office of the several counties through which the same may pass; which report, shall within ten days thereafter, be recorded in the record book of the several boards doing county business, respectively.

\$250 of 3 per cent. fund appropriated.

Proviso.

Com'r and his duty.

When to act.

Employ hands.

Compensation.

Com'rs further duty.



SEC. 3. That the sum of five hundred dollars, be and the same is hereby appropriated out of the fund commonly called the three per cent. fund, for defraying the expenses of locating and opening said road.

SEC. 4. That the agent of the three per cent. fund shall pay over the monies so appropriated to the commissioner aforesaid, whose duty it shall be to apply the same, to the opening of said road, under the same rules and regulations, prescribed to other commissioners, for opening of state roads: *Provided*, That said road shall not be opened, to exceed forty feet in width: *Provided also*, That nothing in this act shall be so construed, as to prevent the commissioner aforesaid, from applying the monies aforesaid, or so much as may be applicable to opening said road, on such part or parts as may be the least inhabited.

SEC. 5. The commissioner aforesaid, shall be allowed the sum of one dollar per day for each and every day necessarily employed, in locating said road, to be paid out of the monies appropriated as aforesaid: *Provided however*, That the foregoing appropriations, are not to be paid out of said three per cent. fund, until the sum of one hundred thousand dollars, heretofore appropriated for the opening of several state roads shall be first paid over, or set apart for that purpose.

SEC. 6. Should said commissioner appointed by this act, die, remove from this state, or refuse to qualify, it shall be the duty of the board doing county business, in the county in which such commissioner resides, to appoint some suitable person to fill such vacancy.

This act to take effect and be in force from and after its publication in the Indianapolis Gazette.

## CHAPTER LXXXIV.

An act to authorize the sale of the School Lands, and for other purposes.

[APPROVED, JANUARY 23, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That each, and every congressional township within this state, shall be and the same is hereby constituted a body politic and corporate, and in their corporate name and capacity, may sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

SEC. 2. That any five of the freeholders of any township, may call a meeting of the inhabitants, by notifying the same in writing, to be posted up in three of the most public places in their township, at least twenty days prior to the time of such meeting;—the meeting to be held on

the section reserved for the support of schools, or as near thereto as a convenient place can be had; and in case a majority of the qualified voters of the township should be present, shall proceed to determine by vote, whether they will sell the said reserved section or not; which election shall be conducted in the same way, as is directed by the law regulating the election of state and county officers;—and should a majority of the qualified voters be in favour of a sale, the clerks of the meeting shall within ten days certify the same, under oath, to the school commissioner of their respective counties: *Provided*, That such election shall not be had unless there shall be at least twenty actual voters within the township.

SEC. 3. The electors of the township, shall at such meeting, elect three trustees, who shall be freeholders or householders of the township, who shall severally hold their offices for one year, and until their successors shall be duly elected and qualified; which elections shall be annually, on the first Monday in September; but in case no elections shall be held on that day, the same may be held on any subsequent day, prior to such elections.

SEC. 4. The trustees so elected, shall be denominated the trustees of congressional townships No. Range Style. and be severally sworn to the faithful discharge of the duties by this act enjoined upon them. They shall appoint a township clerk for the time being, who shall be sworn in like manner as the trustees. Oath. Clerk.

SEC. 5. Should a majority of the voters in any township, be in favor of the sale of the reserved section, the trustees thereof shall forthwith subdivide such section into such subdivisions, and lots as will best suit purchasers, and ensure the best price for said land; and shall fix a minimum price to each subdivision, below which the same shall not be sold, and which shall in no case be less than one dollar and twenty-five cents per acre. All of which, the clerk of said township, shall forthwith certify to the commissioner of the school lands of such county, hereinafter provided for; who shall record the same at length, in a book to be provided for him, by the county; and shall proceed to sell such section, by said divisions, at public auction to the highest bidder. Trustees' duties.

SEC. 6. The commissioner aforesaid, shall before any such sale, give at least sixty days notice, by posting the same in three of the most public places in said township, at the court house door, and at such other places, as he may deem proper, and also by advertisement in some public newspaper; the sale to be at the court house door of the county, between ten o'clock A. M. and six P. M. and may be adjourned from day to day until the whole be completed. The commissioner shall record the said sale in



his book, and return a true copy thereof, to the recorder of the county, within five days thereafter.

**Sale, and conditions.** SEC. 7. The commissioner shall require to be paid at the time of sale, one fourth of the principal, and legal interest in advance, on the residue, for one year; the remaining three-fourths of the purchase money, to be paid on a credit of any length of time to suit the purchaser, his heirs or assigns, not exceeding ten years; the legal interest on which, to be paid annually in advance, for one year, at the commencement thereof; and a failure to pay the interest, so annually accruing from the date of sale, or the residue of the principal, for the space of sixty days, after the same shall become due, shall *ipso facto*, be a forfeiture of the tract of land, upon which the same shall be due and unpaid, and the benefit of any payments made, and of the contract therefor, to the township; and the commissioner shall forthwith sell the said tract so forfeited as above, on the original sale. [The trustees of any township may with the concurrence of the lessee, of any part of the reserved section therein, cancel any unexpired lease and if not the trustees so direct the commissioner as other tracts, but subject to such lease, the full benefit of the conditions of which shall ensure to the purchaser and his assigns, who shall have full power by law in his own name to require the fulfilment of such lease.]\*

**Commissioner** SEC. 8. For the purposes in this act specified, there shall be a commissioner elected by the qualified voters of each county, at such time as shall be appointed by the board doing county business, which election shall be conducted in all respects as provided in the law regulating general elections; who shall, previous to entering upon the duties of his office, give bond in the penalty of twenty thousand dollars, with six freehold securities, to be approved of by the associate judges of such county, conditioned for the faithful discharge of the duties of his office, which shall be filed and recorded in the recorder's office, and he shall also take an oath for the faithful execution of said duties: The said commissioners, shall receive all monies accruing from the sale of the school lands of his county, as interest or principal; and shall, at the first session of the board doing county business, after such receipt, file an account thereof, specifying

**Bond.**

**Oath.**  
**Duties.**

\*In the engrossed bill, that clause of the 7th section which is included in brackets [thus] reads as follows, viz:

"The trustees of any township, may, with the concurrence of the lessee of any part of the reserved section therein, cancel any unexpired lease; and if not cancelled, each tract so leased shall be sold, if the trustees so direct the commissioner, as other tracts, but subject to such lease; the full benefit of which shall inure to the purchaser and his assigns, who shall have full power by law, in his own name, to require the fulfilment of such lease."

J. MORRISON, SEC. OF STATE.

ing distinctly, how received, to whom loaned, the securities, and balance due; which report shall be filed by the clerk of such board: The said commissioners shall hold their offices for the term of three years, and until their successors be appointed and qualified; but they shall be liable to removal by the board, upon failure to give additional security, if by them at any time required, or upon conviction by indictment, of any malversation in office, or incapacity to discharge the duties of the office: The treasurer of any county may receive the appointment of commissioner, without resigning his office as treasurer.

**Term of office.**

SEC. 9. The said commissioner shall be allowed the sum of one dollar, for every day necessarily employed in selling said lands, which, when allowed by the board doing county business, shall be paid out of the county treasury; and he shall deliver to his successor, on demand, all his books, and papers touching his office, under the penalty of five hundred dollars, to be recovered by action of debt, in the name of the state of Indiana, for the use of such township, by suit against such commissioner and his securities, who are declared liable therefor on their bond.

**Pay of com'r.**

**Further duties.**

SEC. 10. The purchaser shall receive of the commissioner, upon making the first payment as above, a certificate for the tract bought, in substance as follows:—"A. B. having on this day purchased, (here describe the tract) being part of the school section in such township, for the sum of        dollars        cents, of which he has paid        dollars        cents, that being the one fourth part of such purchase money and one year's interest in advance, on the residue of said principal        dollars cents, in ten years from this date, together with six per centum interest thereon annually in advance; then, he the said A. B. or assignee or representative, shall be entitled to a deed in fee simple for said tract, in the name of said township, but on failure to pay said interest as it annually accrues, or the residue of said principal, within sixty days after the same may become due, the said tract and purchase shall be forfeited as if the same had not been sold.

**Certificate to purchaser.**

Witness my hand and seal this        day of  
Commissioner.

SEC. 11. Any person who may bid off any tract of land offered for sale under this act, and who fails to make the first payment above required, shall be liable to pay ten per centum on the sum so bid, to be recovered by said commissioner, by action of debt, in the name of the proper trustees. The commissioner or deputy shall be a competent witness.

**Penalty for non-payment.**

SEC. 12. Upon full payment of interest and principal, for any tract of such school land, the proper commissioner



Deed. shall execute a deed in fee simple therefor to the purchaser, his, her, or their assigns, or legal representatives, in the name of the township; but no assignment of any certificate, for any such tract, shall be recognized by such commissioner, without strict proof in a court of justice, unless the same be acknowledged before such commissioner, which he shall take and record.

Sec. divided by county line. SEC. 13. Whenever, any school section shall be divided by a county line, the commissioner residing in the county where the greater part of the section is situate, shall have the sole control thereof, as of others in his county; and if a county line shall equally divide any such section, the trustees thereof may select, in which county the said section shall be managed and sold.

Com'r acct's. SEC. 14. That it shall be the duty of the commissioner of each county, in his record book, to keep separate accounts of the interest and the principal in distinct entries, received from the proceeds of each school section, unconnected with each other.

Monies loaned. SEC. 15. The commissioner of the school lands of each county, is hereby authorized to loan out at six per centum interest, payable in advance, and annually thereafter, all monies that may come into his hands from said sections, as principal or interest, upon freehold security in lands, giving however, preference to applicants therefor, who are citizens and freeholders of the respective township to which said money may belong, who may apply therefor, within thirty days after receipt, by their giving sufficient landed security; which loan shall be made for a term not less than one, nor more than three years.

How secured. SEC. 16. Previous to any person being entitled to loan any such monies, he, she or they, shall file with said commissioner, the certificate of the recorder of the proper county, that a deed for said land is duly recorded in his office, or that said applicant has a patent therefor from the United States, and that there is no mortgage, claim or lien thereon of record in his office; and also the certificate of the clerk of the circuit court of the county, that there is no suit pending, nor judgment of record in his office against such applicant, whereby such land may be affected, accompanying which shall be the affidavit of the applicant, that said land is free and unincumbered in any way whatever. The trustees of such township shall thereupon appraise the value of such land, exclusive of buildings, and deducting any contingent interest of dower or tenancy by courtesy; and upon such valuation filed in writing, the said commissioner shall loan such applicant, any sum not exceeding half the estimated value of such lands, nor in any instance exceeding, to one applicant or his agent, three hundred dollars: *Provided*, The said ap-

plicant shall first execute to the said commissioner, and his successors in office, for the use of the township to which such money belongs, as security for the money so to be loaned a duplicate mortgage to the tenor and effect following, to wit: I, A. B. of the county of Indiana, do hereby mortgage, assign over and transfer, to

commissioner of the school lands of the county of Form of mortgage. and his successors in office, for the use of the

township range in said county, the following described land, to wit: which land I

declare to be in mortgage to secure the payment of in years from date, with legal interest thereon, payable each year in advance. And I do agree, that said land and all my title, claim or interest therein, may be exposed to sale, if the money be not paid at maturity, for the principal and interest, or either of them, at the time when the same or either of them shall become due and payable, or within sixty days thereafter, with five per centum damages thereon and all costs, according to the provisions of an act of the general assembly of the state of Indiana entitled "an act to authorize the sale of the school lands and for other purposes;" and I hereby acknowledge myself bound for the payment of any deficiency, in the amount of principal, interest or cost, so due, accruing after such sale remaining, to be recovered by said commissioner or his successor in office, in an action of debt before any court having competent jurisdiction. In witness of which I hereunto set my hand and seal this day of [seal.] One of which duplicate mortgages, shall be filed and recorded in the recorder's office of the proper county, and the other filed and retained by said commissioner.

SEC. 17. That if any default be made, in the payment of interest accruing on any loan hereby authorized, for the space of sixty days next after the same may become due, such default is hereby declared, and constituted, a forfeiture of the further extension of credit on such loan, and the full amount of principal and interest then remaining unpaid, shall thereupon become and be due, and payable instant; and upon such failure, so to pay the interest, or to pay the principal when due, the proper commissioner, shall forthwith advertise the premises mortgaged in security therefor, for public sale in the same manner that real estate taken in execution is required to be advertised, and shall upon the day so notified, sell the said mortgaged premises, to the highest bidder for ready money; and shall retain out of the proceeds thereof, five per centum on the amount for his trouble; with all other costs accruing on said sale, and the full amount of principal and interest unpaid on said loan, paying over the residue, if any, to the

How foreclosed.



mortgager of said tract or his legal representatives; and in case the amount made by such sale, be not sufficient to pay the principal and interest so unpaid, and all costs and per centum, said commissioner shall forthwith proceed to recover the residue unpaid or not made, by action of debt against such person or persons owing the same, in any court of competent jurisdiction. Upon sale of the mortgaged premises, as above, the commissioner shall on receipt of the purchase money, convey the mortgaged premises sold, to the purchaser by deed, in as ample a manner as the person mortgaging could personally have done.

SEC. 18. When two or more applications are made at the same time for the same money, the commissioner shall loan it to either at his discretion, in conformity with the provisions of this act, upon the best security; and any commissioner who may retain money in his hands, arising from the sale of the school lands of his county, when the same could have been loaned upon good security, shall upon conviction thereof, be fined in any sum not exceeding five hundred dollars, and shall be deprived of his said office, and shall, with his securities, be liable upon his official bond, to pay the whole amount so retained, together with twenty per centum thereon.

SEC. 19. It shall be the duty of the commissioner of any school lands, when he shall loan money under the provisions of this act, to retain out of the amount loaned and charged to the borrower, one year's interest at six per centum per annum, on the whole sum in advance, and also all proper costs and charges allowed against such person borrowing: The following fees and costs shall be allowed and charged for the services hereinafter enumerated, to wit:

Fees.	Acknowledgment on a certificate	\$0 12 1-2
	For each certificate of purchase	25
	For each mortgage	50
	For each entry of payment of principal or interest	25
	For each appraisalment of each tract, to each trustee	25
	For selling mortgaged premises five per centum beside the cost of advertisement	
	For making deed to purchaser	75
	For entry of satisfaction of record on a mortgage	12 1-2
	The recorder shall be allowed for recording each mortgage	25

The clerk of the county board shall be allowed for recording all documents, required to be entered by him, or other writing, twelve and a half cents per one hundred words, and for all other services not herein provided for, according to such prices as may be established and allowed by the board doing county business, for such services, to be paid by the borrower: And all persons borrowing monies

derived from the sale of school lands, shall at the time of obtaining the same, leave in the hands of the commissioner, the fees which may have accrued, as above specified, to such commissioner and appraisers, and also the fee for recording the mortgage; and in all cases of unsuccessful application to borrow such money, such applicant shall be liable to pay all costs arising thereon, to be recovered at the suit of the person entitled thereto.

SEC. 20. Nothing in this act contained, shall prevent any purchaser from paying off the full amount of the purchase money, at the time of such purchase, or at any time thereafter: *Provided however*, That no such prompt payment, shall entitle such purchaser to a re-payment of any interest that may have been paid in advance.

SEC. 21. When any lands mortgaged under this act, shall at the time thereof, be unencumbered by dower or tenancy, no subsequent marriage of the mortgager shall subject said premises to dower or tenancy; nor shall any right of dower or tenancy, existing at such time of mortgage be allowed after the decease of the person having such right at said time; and when any mortgager under this act shall die, and there shall be a default of the interest or principal of the sum by him, her, or them, borrowed on the premises mortgaged as above, it shall not be necessary for the proper commissioner, to give any notice to the heirs or representatives of such decedent, other than the public notice for the sale thereof, above required; and the commissioner shall sell said mortgaged premises, as others forfeited in the lifetime of the mortgager; and the heirs of such mortgager shall never be allowed to object to the title of any purchaser of such premises, for want of notice; but such purchaser's title shall be valid as if procured in the lifetime of the mortgager: *Provided*, That any mortgager, his, her, or their heirs or representatives, may at any time before the sale thereof, redeem any mortgaged premises, by payment of the interest due, with all costs, if the sale be for the interest only; or by the payment of the principal, interest and all costs, if the same be due; and it is hereby made the duty of each commissioner, as above, on default in the payment of interest or principal of any school funds, in any way, to collect the same forthwith, as in this act provided.

SEC. 22. All school lands sold under this act, shall not be subject to taxation, either for state or county purposes, until the same be finally paid out; and when any mortgager under this act, shall fail to pay the state or county tax, on any tract mortgaged, the proper collector shall first make such tax out of the personal estate or other lands of such mortgager; but on failure to make such tax therefrom, the collector shall make the same by sale of such

Payment in advance.

Dower in lands regulated.

Foreclosure in case of death of mortgagor.

Redemption.

School lands not subject to tax.

Mortgaged lands how sold for taxes.



mortgaged premises, as other lands are sold for taxes; subject however, to the mortgage money pledged thereon, and all costs about the same arising; and it shall be the duty of each collector, previous to the sale of any land for taxes in his county, to procure from the commissioner aforesaid, of his county, a statement of the mortgage money, interest and cost, upon any tract mortgaged, upon which any tax is so unpaid; which such commissioner shall furnish.

Commission-  
ers offices.

Deputy com'r

SEC. 23. The said commissioners, shall keep their offices at their dwelling houses in their county; and in case of the sickness or absence of any such commissioner, his duties may, in every respect, be performed by a deputy, by him to be appointed; such commissioner and his securities being responsible for the acts of such deputy.

Pay to trust-  
ees &c.

SEC. 24. The trustees and clerk of each township, shall in full for their services, be exempted from militia duty in time of peace.

## CHAPTER LXXXV.

An act authorizing the trustees of the first Presbyterian church in the town of New Albany, to sell and convey the real estate of said church.

[APPROVED, JANUARY 19, 1829.]

Preamble.

WHEREAS, It has been represented to this general assembly of the state of Indiana, that the first proprietors of the town of New Albany, donated to the first Presbyterian church of said town, lots for the use and benefit of said society, therefore;

Trustees may  
sell real estate

*Be it enacted by the General Assembly of the state of Indiana,* That Elias Ayers, Mason C. Fitch, James Shields, Charles Woodruff and Asabel Clapp, trustees of said society, or their successors in office, are hereby authorized to sell and convey, any or every lot or lots, belonging to said society in said town, either at public or private sale, as to them may seem expedient; the proceeds of which sale shall be applied to the erection of a house of public worship in said town for the use of said society, and to such other uses or purposes, for the benefit of said society, as to the said trustees may seem expedient and proper.

This act to take effect, and be in force, from after its passage.

## CHAPTER LXXXVI.

An act supplemental to an act entitled "an act appointing commissioners to re-locate the Seat of Justice of Lawrence county," approved February 9, 1825.

[APPROVED, DECEMBER 26, 1828.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That John Rawley and all such other persons, their heirs and legal representatives and lawful attorneys, as may have been, on the 9th day of February A. D. 1825, owners of any lot or lots in the town of Palestine in Lawrence county, for which the purchase money has been paid to the agent of said county, and who may have neglected to apply for the benefit of the act to which this act is a supplement, shall and may within eighteen months from the first day of February, 1829, apply for an exchange of the lot or lots, so by him or them owned in said town of Palestine, for the corresponding lot or lots in the town of Bedford, according to the provisions of said act. And if such corresponding lot or lots shall have been sold, such owner or owners, shall be entitled to receive from the county treasury of said county, by order drawn by the board of justices of said county, the price such corresponding lot or lots sold for.

Owners of lots  
in Palestine,  
may exchange  
for lots in Bed-  
ford.

Or be paid out  
of co. treas'y.

## CHAPTER LXXXVII.

An act to provide for the re-location of the Seat of Justice of Warren county.

[APPROVED, JANUARY 22, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Ezekiel McConnel of the county of Montgomery, Payton Wilson of Parke county, John Porter of Vermillion county, Samuel McGeorge of Tippecanoe county, and Jonathan Birch of Fountain county be, and they are hereby appointed commissioners to re-locate the seat of justice of Warren county: The commissioners aforesaid, or a majority of them, shall meet at the clerk's office in the county of Warren, on the second Monday in June next, or if a majority fail to meet on that day, then on any day afterwards that a majority of those present may agree upon, after notice thereof has been given to the absent commissioners, by the sheriff of Warren county, and after being duly sworn, faithfully and impartially to discharge their duties as commissioners, shall examine into the situation of said county, and if a donation can be procured, which in their opinion, will, together with the probable

Com'rs and  
their duties.

When and  
where to meet  
and how pro-  
ceed.



amount of the sale of lots, which may belong to the county at such new county seat, be sufficient to defray the expenses of erecting good and sufficient public buildings, suitable for said county; and if in their opinion it will be more to the advantage and interest of the people of said county, they shall procure said donation to be made, and shall then proceed to re-locate the seat of justice for said county.

Agent to lay  
off a town.

Plan.

Lots how ex-  
changed.

Recorder.

Agent.

Deed.

Proviso.

Lots in War-  
renton how  
valued.

Report.

Difference in  
value how ad-  
justed.

ie build-

SEC. 2. If the commissioners aforesaid, shall re-locate the said county seat, it shall be the duty of the agent of said county, to lay off the said town, on a plan as nearly as possible with the town of Warrenton, and with a corresponding number of lots; and any and every person, who shall or may have purchased of said county, or the authorized agent of said county, and paid for any lot or lots, in whole or in part, on completing the payment for the same in the town of Warrenton, shall have the privilege of exchanging the same, for other lot or lots, correspondingly situated and numbered, in the new town that may be laid off by the said commissioners, by filing and acknowledging before the recorder of said county, an application for such exchange; and the same shall be entered on record, by the said recorder, at the expense of the county. And the same shall have the effect of an absolute release, of all the right, title, and interest of such applicant, in and to such lot or lots; and it shall be the duty of the agent, on being presented with the recorder's certificate, of such relinquishment and application, to make to such applicant, a good and sufficient warranty deed, to the lot or lots in the new town, which shall be in a corresponding number, with the lot or lots relinquished in Warrenton: *Provided*, That such application for such exchange, shall be made within twelve months after the relocation of said county seat.

SEC. 3. The commissioners aforesaid, or a majority of them, after having determined on a relocation of said seat of justice, shall make an estimate of the value of each and every lot in said town, sold as aforesaid by said county, or its authorized agent, on which any building or buildings are erected, and how much less valuable, such lot and buildings will become, by the removal of the seat of justice therefrom, which they shall certify to the board doing county business in said county, under their hands and seals; and the said board doing county business shall cause such certificate to be entered in their records, and the said board doing county business, shall cause the difference in value, caused by the removal of the seat of justice, of such lot and buildings, to be refunded to the owner or owners of lots and buildings, or to his or their legal representatives.

SEC. 4. As soon as the said board doing county business, shall be satisfied that suitable public buildings are procured,

for holding courts, and for other county purposes, they shall direct the clerk of the circuit court, and recorder of said county, to remove their offices to the new seat of justice; and from that time, the circuit court, and all other courts of said county, shall be held there, and the seat of justice shall forever remain at the new site.

SEC. 5. The agent for said county, shall reserve ten per cent. out of the proceeds of the sales of such lots, as may be sold for the use of the of the county, at the said re-located county seat, for the use of a county library, which shall be paid over in the same manner as is now provided for by law.

Ten per cent.  
reserved for  
co. library.

SEC. 6. It shall be the duty of the sheriff of Warren county, to notify the commissioners aforesaid, of the time and place hereby appointed for them to meet, for which he shall be allowed by the board doing county business aforesaid, a reasonable compensation; and the aforesaid commissioners, shall be compensated, and in all respects governed by provisions of an act, entitled "an act to establish seats of Justice in new counties," approved, January 14, 1824; and all the amendments thereto now in force, so far as they are not inconsistent with this act.

Sh'ff to notify  
com'rs.

This act to be in force from and after its passage.

## CHAPTER LXXXVIII.

An act Appointing Commissioners to re-locate the seat of justice of Dubois county.

[APPROVED, JANUARY 19, 1829.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Thomas Vandaver of Spencer county, William Hoggatt of Orange county, William Hargrave of Pike county, Thomas Cissall of Martin county, and Ebenezer Jones of Daviess county, be, and they are hereby appointed commissioners, to relocate and establish the seat of justice of Dubois county; said commissioners or a majority of them, shall meet at Portersville in said county, on the second Monday in March next, and after being duly sworn, to the faithful discharge of the duties assigned them by this act, shall forthwith proceed to examine, and select, the most eligible situation in said county, as near the centre thereof as may be, for the relocation of said seat of justice; and said commissioners, shall procure by donation, or purchase, a quantity of land sufficient to lay out a town, with at least an equal number of lots to that of Portersville, the present seat of justice of said county; the said commissioners, shall for their services,

Com'rs and  
their duties.

When and  
where to meet  
and how pro-  
ceed.



receive the same pay, and otherwise be governed in all respects, by the provisions of an act of the General Assembly of the state of Indiana, entitled, "an act to establish seats of justice in new counties," approved, January 14th, 1824.

Agent to lay off a town. Plan. Lots how exchanged. Recorder. Agent. Deed.

SEC. 2. After the relocation of said county seat, by the commissioners, pursuant to the provisions of the first section of this act, it shall be the duty of the county agents of said county, with all convenient speed, to lay off or cause to be laid off, a town on said relocation, on a plan, as nearly similar as may be, to the town of Portersville, in said county, and with a corresponding number of lots; and any and every person, who shall or may have purchased and paid for, in whole or in part, any lot or lots in Portersville, the present seat of justice in said county, on making complete payment therefor, such purchaser, his or their legal representatives, shall have the privilege of exchanging the same, for other lot or lots, correspondingly situated in said new town, laid off by said agents as aforesaid, by filing with, and acknowledging before the recorder of said county, his, her, or their application for that purpose, within twelve months from and after the relocation of said county seat; which application, filed and acknowledged as aforesaid, shall by said recorder, be entered on record in his office, at the expense of said county, and for which said recorder shall be allowed and paid, the sum of fifty cents, for each application thus made, filed, recorded, which application shall have the effect, both in law and equity, of an absolute release, of all the right, title, interest, of such applicant in and to said lot or lots, and it shall be the duty of the agent of said county, on being presented with the said recorder's certificate of such relinquishment and application, to execute to such applicant, a good and sufficient general warranty deed, or deeds, to the same number of lots, thus relinquished, in the new town, correspondingly numbered and situated with those relinquished in the town of Portersville aforesaid.

Donations in Portersville, how valued. Proviso.

SEC. 3. Said commissioners shall also, at the time they relocate the said county seat, value the donations (if any) which was given by individuals to the said county of Dubois, for the seat of justice at Portersville, exclusive of the improvements thereon, and the value thereof thus assessed by said commissioners, shall be refunded to the persons who donated the same, or their legal representatives: *Provided however*, That if the county authorities, can return to any such donor, their donation or donations, uninjured by incumbrance, that such donor or donors, shall be at liberty, if he, she, or they, shall choose so to do, to take back their donation or donations, in full discharge of

his, her, or their claim on said county: *And provided also*, If any part of any such donation or donations, can be returned as aforesaid, such donor or donors, shall be at liberty as aforesaid, to take the same in full discharge of so much of his, her, or their claim on said county, as such part so returned as aforesaid, amounts to.

SEC. 4. The sheriff of the said county of Dubois, shall notify the commissioners aforesaid, of their appointment, and of the time and place of their meeting, under the provisions of this act; for which he shall receive such compensation, out of the said county treasury, as the board of justices doing county business, shall deem just and reasonable. Com'rs how notified.

SEC. 5. Any person or persons, being the owner of any lot or lots in the town of Portersville, in said county, on which any buildings or improvements may have been erected, or made, previous to the passage of this act, and who shall feel him, her or themselves aggrieved by the re-location of said county seat, may at any time within twelve months after the passage of this act, make application to the board of justices of said county, to have the said lot or lots, and buildings, or improvements thereon valued, and on such application, it shall be the duty of the said board of justices, to appoint one commissioner, the applicant another, who shall choose a third, neither of whom shall be interested in the property of said town of Portersville, or of kin to any person that may be interested in the same, or residents of the said county of Dubois; which said commissioners thus chosen, shall meet at Portersville, on some day thereafter to be agreed on by themselves, which shall not exceed thirty days from the time of their appointment or nomination as aforesaid, of which timely notice shall be given by the said applicant; said commissioners thus selected, and having met, and having taken an oath faithfully and impartially to discharge their duty, shall view and value the lot or lots, with the buildings and improvements thereon, in the town of Portersville, and also the corresponding lot or lots, in the new town on said re-location, and shall certify under their hands and seals, the difference in value of the lot or lots, and the buildings and improvements thereon in the town of Portersville, and their corresponding numbers in the said new town, to the clerk of the circuit court of said county, whose duty it shall be to lay the same before the said board of justices, and if the difference in value should be in favor of the lot or lots in the town of Portersville, said difference shall by said board of justices be allowed to the said applicant, and owner, and paid as required in the third section of this act; but before the applicant shall be entitled to the provisions of this section, he shall

Lots and improvements in Portersville how valued. Report of valuation. Difference in value, how adjusted.



have first filed, in the recorder's office of said county, an application and relinquishment of the same nature, and to have the same effect, as the relinquishment and application required in the second section of this act; and the said commissioners and appraisers, shall be allowed for their services, to be paid out of the county treasury any sum that the board of county justices, shall deem just and reasonable.

Pay to appraisers.

Lots sold by Execution.

SEC. 6. All lots sold under execution, belonging to the said county of Dubois, shall be valued agreeable to the provisions of the fifth section, and the owner or owners, shall be entitled to receive the value thereof, in property in the new county seat.

Ten per cent. reserved for library.

SEC. 7. The agent of said county of Dubois, shall reserve ten per cent. out of the proceeds of the sales of such lots, as may be sold for the use of said county in the said re-located county seat for the use of a county library, which shall be paid over, in the same manner as is now provided for by law in such cases.

Public buildings.

SEC. 8. The board of justices of said county, shall as soon as practicable, commence the erection of the necessary public buildings, at said new county seat; and the circuit and other courts for said county, shall be holden at Portersville, the present seat of justice in said county, until the buildings at the re-located seat of justice, shall be ready for their reception; after which time the circuit, and all other courts, shall be held, and county business transacted at the new county seat.

Courts where to set.

This act shall take effect and be in force from and after its publication in the Indianapolis Gazette.

## CHAPTER LXXXIX.

An act to Incorporate the Eel river Seminary Society.

[APPROVED, JANUARY 1, 1829.]

Society incorporated.

Style.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Tipton, Hugh B. McKein, Gillis M'Bean, William Scott, Alexander Chamberlain, Joseph Barron, Hiram Todd, Chauncey Carter and John Smith, sen. shall be, and hereby are constituted a body corporate and politic, by the name and style of "the president and trustees of the Eel river seminary society;" and in their corporate name and capacity, may sue and be sued, plead and be impleaded, in any court of competent jurisdiction, and by that name shall have perpetual succession.

Election of officers.

SEC. 2. The trustees shall be elected annually, on the first Friday in October, by the subscribers to said society,

under such regulations as a majority of them shall from time to time adopt, and shall elect a president, secretary and treasurer from their own members. The said president and trustees shall be competent, in law and equity, to take to themselves and their successors, in their said corporate name, any estate, real or personal by the gift, grant, bargain, sale or bequest of any person or persons whomsoever, and the same estate, whether real or personal, to grant, bargain sell or convey, or otherwise dispose of, as shall by them be deemed most beneficial to the interest and prosperity of said seminary.

Powers.

SEC. 3. The said trustees, shall cause to be made for their own use, one common seal, with such devices and inscriptions thereon as they may think proper, by which all deeds and acts of the corporation shall be authenticated.

Seal.

SEC. 4. The said trustees shall meet at the dwelling house of Chauncey Carter, esq. in Logansport in the county of Cass, on the first Monday of April next, or on any day that a majority of the trustees may agree upon, and, after severally taking an oath or affirmation, faithfully and impartially to discharge the duties by this act enjoined, proceed to elect their president, secretary and treasurer as aforesaid.

First election of officers.

SEC. 5. The trustees, after being organized in manner aforesaid, shall have power to determine the time of their future meetings, and the manner of notifying the same; act on their own adjournments; to employ such instructors as they may think proper, and the same discharge at their pleasure; to regulate and direct the mode of instruction; and to make and ordain such by-laws and regulations, as may be necessary for the well-being of said society, not repugnant to the laws and constitution of this state.

Further powers of trustees.

SEC. 6. The trustees shall cause a record of their proceedings to be kept in a book to be procured by them for that purpose, which record shall be open for the inspection of all persons concerned. The treasurer shall receive all monies belonging to said seminary society, and pay them out by the order of the trustees, and not otherwise.

Keep a record.

Treasurer.

SEC. 7. The trustees shall have power to appoint such agents and attorneys for said corporation, as they may think necessary; which shall be in writing, and all appointments and orders of the trustees, shall be signed by their President, under the seal of said corporation, and attested by their secretary.

Further powers.

SEC. 8. This act to take effect, and be in force from and after the first Monday in March next.



## CHAPTER XC.

An act to Incorporate Hanover Academy.

(APPROVED, JANUARY 6, 1829.)

Preamble.

WHEREAS, It has been represented to this general assembly, that a number of the citizens of Jefferson county, residing in the vicinity of Hanover in said county, have, by the aid of private contributions, established an academy at Hanover; by means of which a liberal education may be acquired by the youth of that vicinity: And whereas, it is represented to this general assembly, that an act to incorporate the said academy, would greatly promote the laudable object of the citizens aforesaid; therefore,

Trustees incorporated.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That John Finley Crow, James H. Johnson, Williamson Dunn, George Logan, John M. Dickey, Samuel G. Lowry, Samuel Smock, William Reed, Samuel Gregg and Jeremiah Sullivan, be and they are hereby constituted and appointed, a body corporate and politic, to be known by the name of the trustees of Hanover academy; and by that name, shall have perpetual succession, with permission to adopt a common seal, with power to alter or change the same at pleasure; and as a body corporate, shall be authorized to carry the object and design of said institution into complete effect; to increase the number of trustees, whenever it may be deemed necessary; to employ or appoint tutors and professors in said academy, and put the same under the direction and supervision, of any body of learned men they may select; to establish a constitution, by-laws and regulations, for the government and well being of said academy, the tutors, professors and students thereof, not incompatible with the constitution and laws of the United States or of this state; and by the same style of the trustees of Hanover academy, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity.

Vacancies how filled.

SEC. 2. In case of the death, removal or other disqualification of any of the trustees of said academy, or of their successors, a majority of the remaining trustees shall have power to fill such vacancy; and the person or persons so appointed, shall be vested with the same power and authority, as if specially named in this act; and at any meeting of the board of trustees, seven shall constitute a quorum to do business.

May hold real estate, goods, &amp;c.

SEC. 3. The trustees elected and appointed according to this act, and their successors, shall have power in their corporate capacity, to purchase or receive by donation, bequest or devise, any lands, tenements or hereditaments, monies, rents, goods and chattels, which may be conveyed, devised

or bequeathed to them, for the use and benefit of said academy; and shall be required faithfully to apply the same: *Provided however,* That the land held by said corporation, at any one time, shall not exceed one hundred and sixty acres.

SEC. 4. The trustee first named in this act, or in case of his absence, death or refusal to serve, the next person named, shall give notice of the time and place of the first meeting of the board of trustees; and on a majority of them attending, they shall elect a president, treasurer and clerk, the two first of whom shall be members of the board; and they shall thereafter meet on their own adjournments, or may be convened by the president, or any two members of the board; they shall have power to erect all necessary buildings, for the use and accommodation of said academy, and to select a site for the same.

This act shall take effect, and be in force from and after its passage.

## CHAPTER XCI.

An act to amend the act entitled "an act respecting a county Seminary, and the Seminary funds of Switzerland county."

(APPROVED, DECEMBER 18, 1828.)

*Be it enacted by the General Assembly of the state of Indiana,* That the trustees named in the act to which this is an amendment, or a majority of them, when convened to transact business in pursuance of said act, shall have the same powers which circuit courts have, to issue attachments and compulsory process for witnesses, and the same powers which circuit courts have to punish, contempts. And that it shall be the duty of all sheriffs, coroners, constables and other officers of said county, to be aiding and assisting said trustees, to carry into effect all their lawful commands.

## CHAPTER XCII.

An act supplemental to an act, entitled "an act to authorize the loaning of the Seminary Funds," approved January 24, 1828.

(APPROVED, JANUARY 23, 1829.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana;* That it shall be, and is hereby made the duty of the treasurer of state to make out and transmit to the several clerks of the circuit courts within this

List of seminary lands, mortgaged to be sent to the different co. clerks.



state, on or before the first day of April annually, a certified list of all lands in their respective counties, on which he may hold a mortgage, as security for the payment of any money for the use of the Indiana college; which list shall particularly designate the tract or tracts, whether half quarter, quarter, half section, section, or fraction, with the township and range, in which such land lies, and the number of acres in each.

SEC. 2. Where any tract of land, so mortgaged, shall not have been surveyed by authority of the United States, then it shall be the duty of the treasurer of state to designate the tract or tracts, in the best manner possible, a copy of which several lists, the clerks aforesaid are hereby required to deliver to the collectors of the state and county revenue, in their respective counties, on or before the first day of July annually.

SEC. 3. *Be it further enacted*, That when any collector, in pursuance of the revenue laws of this state, shall offer for sale any of the lands, described in the first and second sections of this act, for the non-payment of taxes due thereon, such collector shall make known to the persons present, that the land so offered, is mortgaged to the treasurer of state for the use of the Indiana college, and shall sell the same, or so much thereof as will pay the taxes due thereon, subject to such mortgage; but shall make no deed to the purchaser, until he shall produce the certificate of the treasurer of state, that the sum for which such land was mortgaged, had been fully paid.

SEC. 4. *Be it further enacted*, That if any of the lands aforesaid, should become forfeited to the state, or be sold to satisfy such mortgage, then it shall and may be lawful, for the treasurer of state, as superintendent of the Indiana loan office, to pay such person or persons, as may have purchased such mortgaged premises, for taxes due thereon, the amount of money so paid by such purchaser, together with fifty per cent. per annum thereon, out of the interest of the seminary funds in his hands: *Provided*, That nothing in this act shall be so construed, as to prevent the original owner of any land so sold, from redeeming the same, agreeably to the provisions of the existing laws of this state.

SEC. 5. *Be it further enacted*, That the superintendent of the loan office, in securing the loans of the college fund, shall not take into consideration the value of the perishable improvements on the lands proposed to be mortgaged to said superintendent; nor shall he receive any title as valid, which is derived by deed from any sheriff, collector, executor, administrator or guardian.

SEC. 6. *Be it further enacted*, That it shall be the duty of the superintendent to reduce the amount authorized to

Lists to be  
given to coll's.

Collector to  
inform  
purchasers.

Sale for taxes  
subject to  
mortgage.

May be re-  
deemed by  
superintend't.

Owner may  
redeem.

Loans not to  
be on im-  
provements,  
tax titles, &c.

Sup'dt's fur-  
ther duty.

be loaned, on any valuation, when from the face of the valuation, or from information received, he shall have reason to believe, such valuation was not in proportion to the prices of similar property selling in its vicinity.

SEC. 7. When any interest or principal of the college fund, loaned out under the provisions of the act, to which this is supplemental, shall not be paid, as the same was agreed to be done in the mortgage and note given for the loan of said money; the superintendent of the loan office is hereby required to advertise the mortgaged premises, sixty days in one or more of the newspapers of this state, and make sale of so much of the same, as will pay the principal and interest secured by said mortgage, with five per centum damages thereon, and the costs of advertising the same; and if said land will not sell for so much ready money as will pay the principal, interest, damages and cost as aforesaid, it be shall the duty of the superintendent, to buy the same for the benefit of the Indiana college; and immediately, if possible, or at any time thereafter, may proceed to sell said land to the highest bidder, (the bid being equal to the amount chargeable on said land) on a credit of five years, the purchaser to pay the interest annually in advance, and the land to forfeit immediately for the benefit of said college, if said principal or interest, or either them, shall not be punctually paid, according to the terms of such sale.

SEC. 8. When any land shall be sold as aforesaid, and full payment be made therefor, the superintendent shall make a deed for the same, to the purchaser thereof; and the superintendent, for his services in attending said sale, and making said deed, shall receive five per centum of the amount of the sale, payable out of said damages; and when said land shall be sold, on a credit, as herein before directed, the superintendent shall give the purchaser a certificate of such sale, and the terms on which it is made, for which he shall have the same allowance.

SEC. 9. All sales of land, made under the provisions of this act, or of the act to which this is supplemental, shall be held at the court house door in the town of Indianapolis, in pursuance of the notice given as aforesaid.

SEC. 10. The superintendent of the loan office, shall record all deeds and certificates, made as aforesaid; and his said deeds sealed with his private seal, shall be taken and deemed as full evidence of the transaction therein specified.

SEC. 11. It shall be lawful for the said superintendent, to loan any interest of the college fund in his hands, in the same manner as other funds: *Provided*, Said interest shall not be wanted for the use of the Indiana college.

SEC. 12. The superintendent aforesaid, is hereby empow-

Mortgages  
how foreclos-  
ed.

What bought  
in how re-sold.

Sem. lands  
how sold and  
conveyed.

Sales where  
made.

Deed, &c.  
where record-  
ed.

Interest may  
be loaned.

Sup'dt may  
ad'm'r oaths.



ered and authorized, to administer all oaths required by this act, or the act to which this is supplemental.

This act to take effect and be in force from and after its publication.

### CHAPTER XCIII.

An act authorizing further sales, of the Reserved Townships of land in Gibson and Monroe counties.

[APPROVED, JANUARY 23, 1829.]

Com'rs may sell any lands. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the commissioners heretofore appointed, to sell the reserved townships of land in Gibson and Monroe counties, be and they are hereby authorized and required, to sell to any applicant or applicants, at any time hereafter, any of the unsold lands in their respective townships, at the same rates, and upon the same conditions, as are required by an act, entitled, "an act concerning the seminary townships of land, in Gibson and Monroe counties;" approved January 25, 1827.

Com'rs to report to aud'r. Aud'r's duty. SEC. 2. It shall be the duty of the commissioners aforesaid, within three months after the taking effect of this act, severally to transmit to the auditor of public accounts, a correct statement of all monies by them heretofore paid, on account of the sales of said lands, into the state treasury; and forever thereafter, the said commissioners, shall when they make payments of any seminary monies, into the state treasury, also furnish the auditor of public accounts, with a correct statement of the amount thereof; and the said auditor shall enter all the reports so made, or which shall hereafter be made, on his books, in the same manner as he is now required by law to do, in regard to the state revenue.

This act shall take effect, and be in force from and after its passage.

### CHAPTER XCIV.

An act to authorize the County Surveyors, to obtain copies of the Field Notes of the original corners of land, in their respective counties.

(APPROVED, JANUARY 19, 1829.)

Co. surveyors. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, [That] the surveyors of each and every county shall procure within this state, shall when directed by the board doing field notes &c. county business procure a certified copy from the regis-

ter of the land office, of the district, in which their respective counties are situate, the field notes of the townships, ranges, sections, fractional sections, and quarter sections, as originally surveyed, and deposit the same in the recorder's office of the proper county, where the same shall be kept for the use and benefit of the citizens of said county, and at all times subject to their inspection. Where deposited.

SEC. 2. When any person, being the owner or proprietor of any land, within this state, who wishing to perpetuate a corner, or corners thereto, such owner or proprietor, shall call upon the county surveyor of the county in which such lands are situate, who shall upon proof of notice ten days previously given, to those that may hold lands adjoining the same: *Provided*, That the person holding such lands shall be a citizen of such county, where the same may be situate, and if not a citizen of such county, then the person or persons wishing to perpetuate such corner or corners, shall give three weeks notice in some public newspaper nearest where the lands lie, and then the said county surveyor, shall proceed to relocate such corner or corners, by depositing in the place where the original stake or corner stood, a stone, or some other durable material, which if of timber shall be deposited two feet in the earth, and present one foot above the surface, having engraved on such corner stone, or stake, the letters and figures answering to such corner, or corners, and such surveyors shall enter in his field notes, the species of corner, with one or more living trees (if any there are) the kind of trees, with the diameter, with the course, and distance of the said bearing trees, which shall be entered in a book to be kept by him for that purpose; for which services as aforesaid, the surveyor shall be allowed in addition to his usual fees, agreeably to the lines necessary to be surveyed to establish one or more corners, the sum of one dollar for each corner thus located, which location thus made, shall be by the said surveyor recorded in the book aforesaid. Corners how perpetuated. Notice. Surveyor's fees.

SEC. 3. And that all necessary expenses incurred in procuring and recording said field notes, shall be paid out of the county treasury of the proper county, on the order of the board doing county business. That the recorder shall on application of any person, give a certified transcript from said record of the field notes of the survey, of any section, quarter section, or other tract of land, for which certificate the recorder shall be entitled to receive fifty cents, to be paid by the individual applying for the same, and such certificate shall be received as *prima facie* evidence, where the original would have been received. Expenses. Transcript. Evidence.

This act to take effect and be in force from and after its publication.



## CHAPTER XCV.

An act to authorize William Youse, to build a Toll Bridge across the east fork of White Water river.

(APPROVED, JANUARY 13, 1829.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That William Youse, his agent, heirs, or assigns be, and they are hereby authorized, on the following conditions, and subject to the following restrictions, herein-after specified, to erect at their own expense, a toll bridge across the east fork of White Water river, at the town of Brownsville in the county Union, at least sixteen feet wide in the clear, with good and sufficient hand railing on each side, and in other respects, strong convenient and substantial, for the safe and easy passage of all travelers, horses, cattle, hogs, carriages of every description, and such other commodity or thing whatever, which may pass that way; and constructed in such manner as not to obstruct the fording or navigation of said river: *Provided however*, That nothing in this act contained, shall be so construed, as to authorize the said William Youse, or his heirs, to build the said bridge across said river, unless he is the owner of the soil on each side of said east fork of White Water river, or unless he shall obtain the consent of the owner, or owners of said soil.

Construction of bridge.

Proviso.

When completed may demand toll.

Rate of toll.  
Proviso.

List of rates kept up.

Penalty for not keeping up rates.

Penalty for taking down rates.

SEC. 2. If the said William Youse, his agent, heirs, or assigns, shall within three years from and after the passage of this act, have erected and completed, the said bridge, in the manner contemplated by this act, his heirs or assigns or representatives, may ask, demand and receive, such toll as shall be allowed by the county commissioners for the county of Union, whose duty it shall be, to fix the rates of such toll, and regulate the same: *Provided*, That public mails and expresses, all troops, of the United States or of this state, with their artillery, baggages and stores, may pass said bridge free from the toll aforesaid.

SEC. 3. It shall be the duty of the said William Youse, his agent, heirs or assigns, to keep up in some convenient place on said bridge, where the toll shall or may be received and collected, a list of the rate of toll allowed to be received; which list shall be printed in large English print; and for every day the same shall be neglected, after reasonable time to have the same printed, he or they, shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace, by any person who shall sue for the same.

SEC. 4. If any person or persons, other than the persons lawfully keeping said bridge shall pull down, deface, alter or destroy said printed list of rates, he, she or they so offending, shall upon conviction thereof, by presentment or

indictment, forfeit and pay, not less than three, nor more than twenty dollars, to the use of the county seminary of Union county.

SEC. 5. That the board of county commissioners of said county, shall upon the application of the said William Youse, his agent, heirs, or assigns, appoint five disinterested freeholders, whose duty it shall be to examine said bridge, when the same shall have been completed, at the expense of the said applicant; and if they shall certify that the said bridge, is in every respect completed, as required in the section of this act, it shall be lawful for the said William Youse, his agent, heirs or assigns, to ask, demand, and receive toll, in the way herein before set forth, and to enjoy all the privileges, emoluments and advantages secured to them by this act, so long as they shall keep said bridge in repair: *Provided however*, That whenever the said county commissioners, or their successors in office, in twenty years after the completing of said bridge, shall think it the interest of said county of Union, to purchase the same, upon the award of five freeholders, two chosen on the part of the proprietor, and two chosen on the part of the county, and the fifth chosen by the four chosen as aforesaid, what the value of the bridge is, it shall be given up by the proprietors, upon payment of the sum awarded, to the use of the county.

County board shall have bridge inspected.

Board may purchase bridge.

SEC. 6. It shall be the duty of the said William Youse, his agent, heirs or assigns, so long as they shall be entitled to receive toll at the said bridge, to keep the same in good repair; and in default thereof, shall on conviction thereof, before any justice of the peace, by action of debt, pay any sum not exceeding fifty dollars, at the discretion of the justice who tries the same, for the use of the county seminary of Union county, and moreover to be liable to the action of the person aggrieved thereby.

Penalty, if out of repair.

SEC. 7. If the said William Youse, his agent, heirs, or assigns, shall demand and receive, from any person or persons, any higher or greater toll, than such as may be allowed by the county commissioners, or shall collect or demand, any rate or toll, from any person by this act exempted, he, or they shall forfeit and pay the sum of five dollars, to be recovered by action of debt, at the suit of the party aggrieved.

Penalty for extortion.

SEC. 8. That no other person shall be authorized, after said bridge shall be completed for passengers, to establish any ferry or bridge, over said east fork of White Water, within one mile of said bridge, for and during the time said bridge is kept in repair as a toll bridge.

No other bridge or ferry within one mile.

This act to take effect, and be in force, from after its publication.



## CHAPTER XCVI.

An to vacate the Town of Owenville.

[APPROVED, JANUARY 3, 1829.]

*Be it enacted by the General Assembly of the state of Indiana,* That the town of Owenville, in the county of Gibson; at the forks of the Mount Vernon and Harmony roads, be and the same is hereby vacated.

This act to take effect, and be in force from and after its publication.

## CHAPTER XCVII.

An act to authorize the Circuit Court of the county of Perry, to change the Venue in a certain case there in named.

[APPROVED, JANUARY 19, 1829.]

*SEC. 1. Be it enacted by the General Assembly of the state of Indiana,* That the circuit court of the county of Perry, may, and they are hereby authorized to change the venue for the trial of William H. Rothwell, who is confined in the jail of said county, on an indictment for the wilful and felonious murder of William Pitman, of the said county of Perry, to the county of Crawford; (the accused requesting or consenting to the same,) *Provided however,* Such change shall not take place, if the trial can be had, at the next March term of the said Perry circuit court; which is hereby authorized to sit six days at such term, if the business shall require it.

*SEC. 2. Be it further enacted,* That the trial of the said indictment, shall proceed and be conducted in all respects, as though the offence was committed, and the indictment found, in said county of Crawford; and the said court may sit six days, if the business shall require it, at their next March term, which shall commence on the Monday after the court in Perry county: *Provided,* That nothing in this act, shall be construed, to give the said Crawford circuit court, any other or greater jurisdiction of said offence, than the circuit court of Perry county now has.

*SEC. 3. Be it further enacted,* That the circuit court of the county of Perry, shall have full power and authority, to recognize all witnesses, summoned or recognized on behalf of the state of Indiana, to appear at such time of the Crawford circuit court, as the said court may designate; and shall moreover, send up all such recognizances, together with all other papers of said cause, to the Crawford circuit court aforesaid; which shall be as valid, and stand

and be proceeded on, as though they had been taken in the said Crawford circuit court.

*SEC. 4. Be it further enacted,* That the circuit court of the county of Perry, are hereby authorized, to order the sheriff of Perry county, whose duty it shall be, to remove the said William H. Rothwell to the county of Crawford, and deliver him to the jailor of said county of Crawford, there to be dealt with according to the law, and customs, in such cases made and provided, any law that comes within the purview of this act to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

## CHAPTER XCVIII.

An act to amend an act, entitled "an act to encourage the Killing of Wolves," approved January 27, 1827.

[APPROVED, JANUARY 23, 1829.]

*SEC. 1. Be it enacted by the General Assembly of the state of Indiana,* That every person, who shall take and kill any wolf or wolves within this state, (prairie wolves excepted) and within eight miles of any of the settlements, thereof, shall receive the following bounty, to wit: for each wolf supposed to be six months old and upwards, one dollar; and for each wolf under six months old, fifty cents; to be paid out of the state treasury, on the certificate of the clerk of the circuit court, in the county where such wolf was killed or taken; and the person, claiming such reward, shall produce the scalp or scalps, with the ears, within thirty days after such wolf or wolves, as has or have been killed, to the clerk of the circuit court within the county, where such wolf was killed or taken; who shall administer to said person the following oath or affirmation, viz: You, A. B. do solemnly swear, or affirm (as the case may be,) that the scalp or scalps produced by you, were taken from a wolf, or wolves, killed by you within this state, and within eight miles of some one of the settlements thereof, and within thirty days past; and that you believe such wolf, or wolves, from which they were taken, were under, or over, six months old, (as the case may be) and that you have not spared the life of any wolf or wolves, in your power to kill, with the design to increase the breed thereof."

*SEC. 2. Be it further enacted,* That it shall and may be lawful, for any person to kill any dog, or dogs, known to have killed or destroyed sheep.

*SEC. 3.* That the first section of an act, entitled, "an act to encourage the killing of wolves," approved January 27, 1827, be and the same is hereby repealed.



## CHAPTER XCIX.

A Joint Resolution, to prolong the time allowed the Board of Commissioners of the Wabash and Miami Canal to make their Report.

[APPROVED, DECEMBER 10, 1828.]

WHEREAS, Sickness and other accidental occurrences, have compelled the board of commissioners of the Wabash and Miami canal, to request an extension of the time allowed them by law, to make their report; therefore,

*Resolved by the General Assembly of the state of Indiana,* That the time allowed the board of commissioners of the Wabash and Miami canal to make their report, be extended to Saturday next, the 13th instant.

## CHAPTER C.

A Joint Resolution, relative to the Reserved Lands of the United States on the margin of, and contiguous to the contemplated canal, to unite the waters of Lake Erie and the Wabash river.

(APPROVED, DECEMBER 17, 1828.)

WHEREAS, The congress of the United States, by their act of March 2, 1827, did grant a certain quantity of land in the state of Indiana, consisting of certain alternate sections, on each side of said canal, to aid the state in constructing and putting the same in operation. And whereas, it will much enhance the value of all the lands in the neighborhood of said canal, and be very beneficial to the citizens of Indiana, and greatly facilitate the progress and final execution of the work, if the lands reserved by the United States, on the margin of, and contiguous to the said canal, were immediately sold and settled; therefore,

*Be it resolved by the General Assembly of the state of Indiana,* That our senators in congress be instructed, and our representatives be requested, to use their utmost and united endeavors and exertions, to procure an immediate sale of all the lands, which the United States may own, on the margin of, and contiguous to said canal, so far as the state may have finally located the same, and made choice of and selected the lands donated as aforesaid to the state.

*Resolved,* That his excellency the governor, be respectfully requested to transmit to each of our senators and representatives in congress, a copy of the foregoing preamble and resolution.

## CHAPTER CI.

A Joint Resolution appointing a Commissioner, to adjust the terms upon which the lands granted to this state, by the act of Congress of the 2d March 1827, shall be conveyed to the state of Ohio.

[APPROVED, JANUARY 5, 1829.]

WHEREAS, The mutual interests of the states of Ohio and Indiana, require, that their respective rights, under the act of congress of the 2d March 1827, entitled "an act to grant a certain quantity of land to the state of Indiana for the purpose of aiding said state to open a canal, to connect the waters of the Wabash river with those of Lake Erie; and the fourth section of an act of congress of the 24th of May" 1828, entitled, "an act to aid the state of Ohio in extending the Miami canal from Dayton to Lake Erie, and to grant a quantity of land to said state, to aid in the construction of the canals authorized by law, and for making donations of land to certain persons in Arkansas territory;" and the terms upon which the rights and interests of the state of Indiana in and to the land in the said fourth section specified, should be conveyed and relinquished to the state of Ohio; be adjusted and settled, as speedily as possible; therefore,

*Be it resolved by the General Assembly of the state of Indiana,* That a commissioner be elected, by joint ballot of the senate, and house of representatives, whose duty it shall be, forthwith to proceed to the seat of government of the state of Ohio, and there, with such person or persons as may be appointed by the general assembly of that state, treat of, and adjust the terms upon which the right and interest of the state of Indiana, in the land within the state of Ohio, granted to the state of Indiana, by the act of congress of the 2d March 1827, aforesaid, shall be conveyed and relinquished to the state of Ohio; to provide for and secure to those citizens, of the state of Indiana, who may hereafter be engaged in the transportation of merchandize, on the Miami canal, the same privileges and the same terms, that the citizens of Ohio may be allowed and enjoy upon the Wabash and Miami canal; to ascertain the time when the state of Ohio will construct the Miami canal; and to agree upon the manner and terms upon which the Wabash and Miami canal of Indiana, and the Miami canal of Ohio, shall be connected. The proceedings of the said commissioner shall be reported to the general assembly, and be subject to its approval or rejection. And in case of any accident or default, on the part of said agent, so to be elected, calculated to prevent the immediate execution of the duties herein required; then and in that case, the governor of this state shall appoint and commission a substitute agent, with like powers to accomplish the object in view.



The commissioner aforesaid, shall be entitled to receive three dollars for each and every day he may be necessarily engaged in the discharge of the duties required of him, to be paid out of any money in the treasury not otherwise appropriated.

*Be it further resolved*, That his excellency, the Governor be requested to transmit, as soon as possible, to the executive of the state of Ohio a certified copy of this joint resolution.

### CHAPTER CII.

A Joint Resolution, relative to a portion of the three per cent. Fund.

[APPROVED, JANUARY 24, 1829.]

*Be it resolved by the General Assembly of the state of Indiana*, That the commissioners of the Mauk's ferry road, are hereby directed to pay over to the county board of justices of Harrison county, three hundred dollars, part of a balance in their hands, of the fund commonly called the three per cent. fund; which money shall be appropriated, to the building of a bridge over big Indian creek, at or near Jacob Kintner's ford. And that Jacob Kintner, be appointed to superintend the drafting of the plan, and building said bridge; and that the county board of justices aforesaid, shall be authorized to pay over the above named sum of three hundred dollars, to the said Jacob Kintner, as he may need the same, for the erection and completion of said bridge.

And that fifty dollars of the three per cent. fund, that is, or may be due on the road leading from Mauk's ferry to Indianapolis, shall be applied, under the direction of the commissioner on said road, to erecting a bridge over Huff's creek on said road, near Brownstown.

### CHAPTER CIII.

A Joint Resolution relative to the three per cent. Fund.

[APPROVED, JANUARY 12, 1829.]

WHEREAS, By an act entitled "an act to establish a state road from Indianapolis, via Danville and Rockville to Montezuma, approved January 24th, 1828," there is appropriated seventy-five dollars, to assist in building a bridge across Otter creek, at Markle's mill in Vigo county; therefore,

*Be it resolved by the General Assembly of the state of Indi-*

*ana*, That the agent of the three per cent. fund, is hereby authorized and directed, to pay over to the commissioners of the county of Vigo, or their order seventy-five dollars out of the fund aforesaid, to be applied by said commissioners, as directed in the act aforesaid.

### CHAPTER CIV.

A Joint Resolution to increase the Salary of the Agent of the three per cent. fund.

[APPROVED, JANUARY 19, 1829.]

*Resolved by the General Assembly of the state of Indiana*, That the agent of the three per cent. fund, be, and he is hereby allowed, one per cent. in addition to the two per cent. which he is now by law allowed to receive, (making in all three per cent.) out of all monies which he may hereafter receive on account of said fund.

And the three per cent. so allowed and received, shall be considered a full compensation for all services (not otherwise provided for,) which now is, or may thereafter, be of said agent required by law.

### CHAPTER CV.

A Joint Resolution.

(APPROVED, JANUARY 22, 1829.)

*Resolved by the General Assembly of the state of Indiana*, That it is hereby made the duty of the several prosecuting attorneys in the several counties, through which any of the White Rivers and other streams run or pass, agreeable to, and named in the act making appropriations for improving the navigation of, and clearing out the obstructions in the said White Rivers, and other streams therein named, approved January 24, 1828, to enquire into the manner, in which the commissioners appointed to clear the obstructions as aforesaid out of the rivers and streams, in said act, have discharged the duties assigned them by the above recited act; and in case of fraud, corruption, or misapplication of the money, by them received for the purpose aforesaid, shall sue on the bond of the said commissioner or commissioners, and prosecute the same to final judgment, agreeably to the true intent and meaning of the act aforesaid.



## CHAPTER CVI.

A Joint Resolution relative to the Purchasers of Public Lands.

[APPROVED, DECEMBER 17, 1828.]

Notwithstanding the liberality of the congress of the United States, in the passage of sundry laws at different times, for the relief of the purchasers of the public lands; yet being sensible of the justice and magnanimity of the general government, and of its willingness to contribute to the general welfare of the citizens of every portion of the Union; the general assembly of the state of Indiana, conceive themselves in duty bound, to reiterate the sentiment in part, of their predecessors, by calling the attention of that body to the situation of a large number of their fellow citizens, whose case has been overlooked or neglected, and which we believe imperiously call for relief on the principles of justice.

The general assembly allude to those persons, who have purchased lands of the general government, made one or more payments thereon, and after improving the same, have been compelled, by unforeseen misfortune, or the pressure of the times, to suffer their land thus improved to become forfeited.

They would also beg leave to notice another class of their fellow citizens, who desirous to close their accounts with the general government, to escape from a debt which was a perpetual lien on their homes, to avail themselves of the power of relinquishing a part of their land, merely to secure a house and home for themselves and families, relinquished parts of large improvements, on which had been expended, the money and labour of better days, and to secure a scanty portion for a home to families dear to them, sacrificed their labors.

The existing laws of congress make no provision, by which the citizen who has spent money, time and labour, on lands thus forfeited or relinquished, can have any advantage, over other citizens or strangers, to regain his property.

Impressed with the belief, that it cannot be the policy of a just and magnanimous government, to take advantage of its citizens; that the value of labour expended by the indigent or unfortunate citizen, on property of the nation, can never be appropriated by a just government, without rendering a full equivalent therefor; neither will such a government suffer the avaricious speculator, to snatch from or monopolize the hard earnings of the indigent or unfortunate.

For these reasons, they cannot but believe, that the justice of the general government, will extend relief to

those purchasers, who, in consequence of inability to complete their payments, as aforesaid, have either forfeited or relinquished improvements, by recognizing the principle of giving a preference, at the minimum price, of the public lands of the general government to such sufferers.

Deeming further detail unnecessary, and implicitly relying on the general government, the general assembly adopt the following resolution, viz:

*Resolved*, That our senators in congress be instructed, and our representatives requested, to use their best exertions, to procure the passage of a law, granting to every purchaser and occupant of the public lands of the United States, who has made one or more payments thereon, and made an improvement on the same, which have become forfeited or have been relinquished, a privilege in the nature of a pre-emption for        years, to re-purchase such improved land, at or before the same may be offered for sale or disposed of by the general government, at the minimum price of the public lands, with a right to occupy and enjoy the proceeds thereof.

*Resolved*, That his excellency the governor be requested to transmit a copy of the foregoing preamble and resolution, to our senators and representatives in the congress of the United States.

## CHAPTER CVII.

A Joint Resolution concerning the Mail Route, through the seats of Government of Indiana, Illinois and Missouri.

[APPROVED, DECEMBER 23, 1828.]

WHEREAS, A direct mail stage route, upon the located line of the national road, through Indiana and Illinois to Missouri, would not only enable the general government to save a large amount of the sum now expended, in having the great western mail carried, but would also greatly subserve the convenience of the people of Indiana, by shortening the routes and facilitating the reception of nearly all her mails: And whereas the necessity of prompt means of correspondence with the general government and commercial cities, is daily becoming more important, by the almost unparalleled increase of population and business of the state, therefore,

*Resolved*, by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested, to use their best exertions, to procure an appropriation from the surplus funds of the general post office, or from any other fund, to open a practi-



cable stage route, through Indiana, upon the line of the national road as located, and a practicable mail route, through that part of Illinois and Missouri, to effect so desirable an object.

*Resolved*, That his excellency the Governor, be requested to transmit a copy of the foregoing resolution, to each of our senators, and representatives in congress.

### CHAPTER CVIII.

A Joint Resolution relative to the Laws of Congress remaining in the office of the Secretary of State.

[APPROVED, DECEMBER 23, 1828.]

*Resolved by the General Assembly of the state of Indiana*, That the secretary of state, cause to be bound in volumes, one hundred copies of the laws of congress, of the years 1825, 1826, 1827, and 1828, on the best terms he can.

It shall be the duty of said secretary, to deliver to the person who may distribute the laws and journals of the present session of the general assembly, one copy of said volume of laws of congress, for each county in this state; and the distributor, shall deliver one copy thereof, to each of the clerks of the circuit courts, who shall keep and preserve the same in his office, subject to the inspection and use of any citizen of his respective county.

### CHAPTER CIX.

A Joint Resolution, on the subject of the right which the state of Indiana has to the Unappropriated Lands within her boundaries.

[APPROVED, JANUARY 9, 1829.]

*Resolved by the General Assembly of the state of Indiana*, That this state being a sovereign, free and independent state, has the exclusive right, to the soil and eminent domain, of all the unappropriated lands within her acknowledged boundaries; which right was reserved for her, by the state of Virginia in the deed of cession of the north western territory to the United States, being confirmed and established by the articles of confederacy, and the constitution of the United States.

That our senators in congress be instructed, and our representatives requested, to use every exertion in their power, by reason and argument, to induce the United States, to acknowledge this vested right of the state, and place her upon an equal footing with the original states,

in every respect whatsoever, as well in fact as in name.

That his excellency the Governor be requested, to transmit a copy of this resolution, to each of our senators and representatives in congress, and to each of their excellencies the Governors of each of the following states, to wit: Ohio, Illinois, Missouri, Mississippi, Louisiana, and Alabama, requesting them to lay it before the legislatures of their respective states, for consideration, requesting them to adopt similar measures, if they should deem it expedient.

### CHAPTER CX.

A Joint Resolution relative to monies due the state by the securities of William H. Moore, late collector of revenue of Clark county, and against the estate of Reuben W. Nelson of said county deceased.

[APPROVED, JANUARY 19, 1829.]

*Be it resolved by the General Assembly of the state of Indiana*, That the auditor of state, be, and he is hereby authorized to employ some suitable person, other than the prosecuting attorney, to prosecute all claims the state may have, against the securities of William H. Moore, late collector of the county of Clark; and also all claims the state may have against the administrators of the estate of Reuben W. Nelson, late of said county deceased, for monies by said Nelson in his lifetime collected for the state.

This joint resolution to be in force from and after its passage.

### CHAPTER CXI.

A Joint Resolution, of the General Assembly of the state of Indiana, relative to the American Colonization Society.

[APPROVED, JANUARY 22, 1829.]

WHEREAS, The members of the present general assembly of the state of Indiana, view with unqualified approbation, the continued exertions of the American colonization society, to ameliorate the condition of the colored population of our country, and believing that the cause of humanity, and the true interest of the United States, requires the removal of this people from amongst us, more speedily than the ability of the colonization society will permit.

*Be it resolved by the General Assembly of the state of Indiana*, That our senators and representatives in congress, be, and they are hereby requested, in the name of the state



of Indiana, to solicit the assistance of the general government, to aid the laudable designs of that society, in such manner as congress in its wisdom may deem expedient.

*Resolved*, That the governor, he, and he is hereby requested, to forward a copy of the foregoing resolution, to our senators and representatives in congress.

## CHAPTER CXII.

A Joint Resolution of the General Assembly of the state of Indiana, authorizing the printing of the act relating to the School Lands.

[APPROVED, JANUARY 23, 1828.]

*Resolved by the General Assembly of the state of Indiana*, That four thousand copies of the act of the present session, entitled, "an act to authorize the sale of the school lands, and for other purposes," be printed and distributed, for the use of the citizens of the several congressional townships, with the other laws of the present session of the general assembly of the state of Indiana.

## CHAPTER CXIII.

A Memorial of the General Assembly of the state of Indiana, on the subject of the continuation of the Cumberland Road, and the removal of the timber out of the same.

[APPROVED, DECEMBER 18, 1828.]

*To the Senate and House of Representatives of the United States in Congress assembled*: The memorial of the general assembly of the state of Indiana, respectfully represents, that the system of internal improvements, pursued by the congress of the United States, is viewed by the legislature and people of the state of Indiana, with that interest which its connection with the prosperity of this state and of the union, is calculated to excite. They beg leave therefore to invite the attention of your honorable body, to one of the most prominent works in this system, to wit: the Cumberland road.

With much satisfaction, your memorialists view the permanent location of this great national thoroughfare, through the state of Indiana, and with their sister states, vie in desiring its speedy completion.

Preparatory to this however, your memorialists respectfully recommend, that measures may be taken by your honorable body, to procure the removal of the timber on said road, at an early period, as a measure calculated to

tender its completion far less expensive, they are persuaded than it otherwise would be found; this they believe might be done at an expense forming no comparison with the numerous advantages expected to arise.

These advantages however are so apparent, that they conceive it unnecessary to give them in detail; but they cannot refrain from an expression of the opinion, that the vast tracts of vacant land, along the line of the Cumberland road, would be speedily entered and settled, because the proposed measure would offer inducements to enterprising purchasers: Hence the public revenue would receive an augmentation, and the state of Indiana, a great addition to her population.

Believing that the subject we have mentioned, is one of vast importance to the whole union, and more particularly so to this state, whose internal situation and distance from market, render her condition, as an agricultural state, peculiarly embarrassing. We your memorialists respectfully submit the subject to the consideration of congress, and request an appropriation of money to be applied under the authority of the general government, commensurate with the object in view.

*Resolved*, That his excellency the Governor, be requested to transmit a copy of the foregoing memorial to each of our senators and representatives in congress, and to the president of the senate and speaker of the house of representatives.

## CHAPTER CXIV.

To the Honorable Senate and House of Representatives of the United States, in Congress assembled.

[APPROVED, JANUARY 22, 1829.]

The general assembly of the state of Indiana, on behalf of their constituents respectfully represent, that the interests of the United States and of the state of Indiana require, at this time, a course of appropriate measures to be pursued, calculated to extinguish the claim of the Indians (more particularly the Miamies,) to their reserved territory, lying upon the borders of the contemplated Wabash canal, and within the boundaries of this state.

The continuance of these few savages within our limits, who claim so large a space of the best soil, not only circumscribes, in its practical effects, the usefulness of the privileges we enjoy, as a free and independent state, but tends materially to impede a system of internal improvements, essential to the prosperity of our citizens; and in a degree jeopardizes the peace and tranquility of our fron-



tier, which it is our right and duty to secure. It is evident that, although the Indians within our boundaries, have been supported by large annuities, although their game has greatly decreased, yet agricultural pursuits are almost entirely neglected; and thus the large extent of country they yet claim, is not only unprofitable to them, but by its contiguity to the canal, is calculated to retard the settlement, the revenue and the prosperity of the state.

Your memorialists will not fatigue your honorable body, with detailing the evils, which will necessarily follow the longer continuance of the Indians in the possession of their reserved territory, but they feel a confidence in saying, that humanity dictates their immediate removal from a place, where they are exposed to many evils, and where their stipend may prompt cupidity to resort to every species of imposition. The speedy concentration of the Indians, in some permanent situation, distant from our frontier, offers the only practicable method, of diverting them from indolent and vicious habits, to which, by their vicinity to our population, they are unhappily inclined.

Delay in this matter, we are sensible, must increase the difficulties eventually to be encountered, as we are convinced, that any objections, which the Miamies might now make to a sale of their reservations, the possession of which is important to our essential interests, would in a great measure be attributable to the influence of those, whose cupidity must be actively increased, by the enlarged ability of those ignorant creatures, by the provisions of the last treaties to gratify it.

Deeply impressed with the truth and force of these considerations, we respectfully ask the immediate extinguishment of the Indian claim, to occupancy within this state.

*Resolved*, That a copy of this memorial, be forwarded by his excellency the Governor, to each of our senators and representatives in congress, and that they be requested to use their earnest endeavors, for the speedy attainment of this object.

#### CHAPTER CXV.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled.

[APPROVED, JANUARY 23, 1829.]

Your memorialists, the general assembly of the state of Indiana, respectfully represent: That the sixth section of an act of the congress of the United States, to enable the people of the Indiana territory, to form a constitution and state government, and for the admission of said state into the

union, on an equal footing with the original states, approved April 19, 1816, provides that all salt springs within the said territory, and all land reserved for the use of the same, together with such other lands as may by the president of the United States be deemed necessary and proper for working said salt springs, shall be granted to the said state, for the use of the people of said state: And whereas, there has been reserved, for the use of the state of Indiana, one township of land, being township one and two north in range two west, commonly called the French Lick township, for the purpose of making salt thereon; and whereas all attempts to make salt on said township have hitherto proved abortive, and in the above recited act of congress it is provided, that the legislature of Indiana shall never sell, nor lease the same for a longer period than ten years, at any one time: therefore, your memorialists respectfully request your honorable body, to pass an act, authorizing the legislature to sell said township in fee simple, and to appropriate the proceeds of such sale to the use of township or primary schools, under the direction of the general assembly of the state of Indiana.

*Resolved*, That our senators in congress be instructed, and our representatives requested, to use their best endeavors, to procure the passage of the aforesaid act; and that his excellency, the Governor be requested to forward to each of our senators and representatives in congress, a copy of the foregoing preamble and resolution.

#### SECRETARY'S OFFICE.

INDIANA, TO WIT:

I, JAMES MORRISON, Secretary of State, certify that I have compared the foregoing Acts and Joint Resolutions of the General Assembly of the state aforesaid, as printed, with the original rolls on file, and have found the same correct, with the exception of a few interpolations, marked *[thus]*, introduced to render the sense more complete.

In testimony whereof, I have hereunto set my hand and affixed the seal of said state, at Indianapolis, this twelfth day of March, A. D. one thousand eight hundred and twenty-nine, the thirteenth year of the state, and of the independence of the United States the fifty-third year.



JAMES MORRISON.



# **TREASURY DEPARTMENT,** INDIANAPOLIS DEC. 3, 1828. }

In obedience to the "act concerning the Auditor of Public Accounts, and the Treasurer of State," the following report of receipts and expenditures on account of the state of Indiana, is respectfully submitted:

Amount in the Treasury, Dec. 1, 1827	\$19153 24
Receipts from that time to Nov. 30, inclusive, viz:	
From the revenue assessed for 1822	\$306 25
" " " 1823	683 34
" " " 1824	323 90
" " " 1825	225 98
" " " 1826	875 10
" " " 1827	24491 81
" " " 1828	2720 32
From assessments not previously reported to auditor	103 43
Total revenue	\$29736 14
Penalties on collectors for not paying in time	93 38
From A. Campbell, sup'dt at French Lick	100 00
Fines on persons conscientiously scrupulous of bearing arms	174 40
From sales of lots in Indianapolis	4104 85
From sales of seminary lands	3087 87
From adm'r of B. M'Aughery who left no heirs	23 04
Interest paid in advance on loans of seminary funds	1007 40
Total receipts	\$43321 06
Making in all	\$62474 32
Expenditures during the above period.	
For Printing for the last legislature and paper, &c. for the present	\$2901 67
" Contingent expenses	309 15
" State library	75 38
Expenses of last legislature.	
Pay and mileage of members	\$9540 88
" of clerks and door keepers	1311 00
	10851 88
Salaries of adjutant and quartermaster generals	80 25
" of executive officers	2482 53
" of the judiciary	6063 20
" of prosecutors	818 58
Premiums for wolf scalps	400 00
Expenses of the presidential election	160 30
" of state prison	315 04
House rent for Governor	161 10

Specific appropriation for state library	100 00
For stationary for last legislature	265 51
Special allowances	699 74
Making the ordinary expenses of the state	\$25684 33
Appropriations out of seminary funds	261 39
Salary of superintendent and books for loan office	82 55
Interest paid president state seminary	652 50
" on treasury notes	1 41
Treasury notes burnt	41 00
Salary and allowance for agent Indianapolis	287 16
Auditors' per centum	25 97
Paid on appropriation for Governor's house	350 00
" for road and canal fund	5850 00
Salary of agent at French lick	100 00
Appropriation for boring at do.	500 00
Loans made to sundry persons from the seminary fund	16790 00
Leaving a balance in the treasury of	11348 01
	\$62474 32

The state is at present liable for the following claims:

Interest on seminary fund	\$1573 59
Due on contract for Governor's house	1190 00
Of the appropriation for the Wabash canal, there is undrawn	1300 00
Judiciary claims not audited	1400 00
Executive do. do.	100 00
Prosecutors' do. do.	358 75
Adjutant and quartermaster general's do.	75 00
Agent for Indianapolis do.	100 00
Appropriations for improving Laughery	250 00
Total	\$6357 34

Which, when paid, will leave in the treasury \$5090 67  
 The ordinary expenses of the current year may be estimated at 26,000. In addition to what has been received of the revenue of 1828, there will probably yet come into the treasury the sum of \$27,000 00. From former delinquencies there will probably be paid during the year as much as will be left unpaid of the revenue of 1828. There will therefore be \$6,090 67 applicable to such measures beyond the ordinary expenditures, as the legislature shall direct.

Respectfully submitted,  
 SAMUEL MERRILL.



# **AUDITOR'S OFFICE,** INDIANAPOLIS, DEC. 4, 1828. }

In obedience to an act concerning the auditor of public accounts, and the treasurer of state, the following report is submitted.

This sum remaining in the hands of the treasurer on the 1st day of December, 1827, provided all claims audited to that date have been paid

	\$19,122 62
Since the above period to the 1st December, 1828, there has been paid into the treasury on account of balances due for the years 1822, 1823, 1824, 1825 and 1826	2,414 57
From collectors of the revenue for the year 1827	24,497 82
do. do. do. 1828	2,720 32
From unlisted lands as reported by treasurer	103 43
Penalties on certain collectors	93 38
A. Campbell, superintendent of Rock Lick	100 00
Fines on persons conscientiously scrupulous of bearing arms	174 00
Sale of lots in Indianapolis	4,104 85
Sales of seminary lands	3,087 87
Administrator of B. M. Ahgery's estate	23 04
Interest on loans of seminary monies paid in advance, as reported by treasurer	1,007 40

Making in all 62,449 70

Since the above period there has been audited on account of transporting convicts to state's prison	\$315 04
Salaries of prosecuting attornies	818 58
Judiciary department	6,063 20
Executive department	2,482 53
Salaries of adjutant and quartermaster generals	80 25
Pay of members, clerks, and doorkeepers, including expenses of the last general assembly	10,851 88
Interest on treasury notes	1 41
do. on seminary monies	652 50
Books for loan office and } Superintendents' salary }	82 55

	736 46
State library	78 38
Specific appropriation	1,487 74
Printing and distributing laws and journals of last session, and for stationary, &c. of present session	2,901 67
Seat of government	1,163 13
Agent of French lick	100 00
Appropriations for boring at French lick	500 00
do. of road and canal fund	5,850 00
Wolf scalps	400 00
Presidential election	160 00

Treasury notes burnt	41 00
Contingent expenses for 1828	309 00

Amount of seminary monies loaned as reported by treasurer 16,790 00

Which deducted from \$62,449 70, leaves a balance in the treasury on the 1st day of December 1828 11,323 39

The assessments from all the counties in the state except Perry, amounts to (for 1828) 37,035 07

From unlisted lands and polls for 1828.	
Vanderburgh	26 03
Rush	7 06
Greene	6 56

The number of polls assessed in all the counties except Perry is (for 1828,) 43,892.

Respectfully submitted,  
B. I. BLYTHE, A. P. A.



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